

International Labour Conference

Eighty-fourth (Maritime) Session Geneva 1996

Record of Proceedings



International Labour
Office Geneva

INTERNATIONAL LABOUR
CONFERENCE

EIGHTY-FOURTH (MARITIME) SESSION
GENEVA, 1996

RECORD OF PROCEEDINGS

INTERNATIONAL LABOUR OFFICE
GENEVA

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**RECORD OF PROCEEDINGS
IN PLENARY SESSION**

First sitting

Tuesday, 8 October 1996, 10.25 a.m.

*President: Mr. Arrate Mac Niven, Chairman of the Governing Body
of the International Labour Office*

OPENING OF THE SESSION

Original Spanish: Mr. ARRATE MAC NIVEN (Chairman of the Governing Body of the International Labour Office) — As Chairman of the Governing Body of the International Labour Office it is my honour to open the 84th (Maritime) Session of the International Labour Conference.

I would like to begin by welcoming on behalf of the Governing Body all the delegates together with the technical advisers accompanying them and the representatives and observers of the United Nations and its specialized agencies and of the other organizations with which the ILO shares common objectives and has worked closely on maritime issues for many years.

All of us are aware that for some time the budgetary situation of the ILO has been experiencing certain difficulties. The fact that the Governing Body decided to go ahead with this session of the International Labour Conference, the 11th which is devoted specifically to questions of maritime transport, clearly shows the importance that the ILO attaches to this sector. The result of the Maritime Sessions of the Conference has been very impressive, with the adoption of 36 Conventions and 27 Recommendations establishing international labour standards for the maritime world concerning most of the aspects affecting the living and working conditions of seafarers.

The maritime sector is dynamic and genuinely international. Since the last Maritime Session of the Conference held nine years ago, we have witnessed significant events such as the creation of new shipping registers, the continuous transfer of tonnage and, thus of seafarers to international shipping registries or open registry, the expansion of third party ship management as well as many technological advances. The result of all of this has been a reduction in the size of crews and hence in the number of seafarers in general. In addition we have witnessed accidents all too well-known to the public and to the family and friends of seafarers. All of those cooperate in this sector, be they seafarers, shipowners, governments or international organizations, are all making tremendous efforts to

deal with the causes that led to such accidents. The human element is of particular importance in this discussion, that is people, and what can be done to ensure that seafarers, those in charge or others avoid causing accidents or contribute to them.

Within the United Nations family, different organizations have adopted measures which directly or indirectly have an impact on the living and working conditions of seafarers. For example, the United Nations has adopted a new International Convention on Maritime Liens and Mortgages and the International Maritime Organization has adopted the International Management Code for the Safe Operation of Ships and for Pollution Prevention which has become a new chapter in the International Convention for the Safety of Human Life at Sea. Last year, the International Convention on Standards of Training, Certification and Watchkeeping, also adopted by the IMO, underwent substantial changes. Another important event of course was the entry into force of the United Nations Convention on the Law of the Sea.

Yet, despite all the efforts made, it is clear that we need to pay more attention to the social and labour aspects of maritime transport. We must achieve conditions that will enable the sector to attract men and women with the competence and qualities required to operate vessels now and in the future in an unforgiving sea, under the stricter supervision by the public. The ILO provides a tripartite forum where representatives of governments, seafarers and shipowners can come together and discuss at the international level minimum working conditions which will also serve as a reference for national action. The international nature of maritime transport highlights the importance of the present session of the Conference.

There is a close relationship between safety at sea, the prevention of ship-caused pollution and the living and working conditions of seafarers. The protection of life, ship and cargo goes hand in hand with our responsibility to provide seafarers with decent living conditions so that they and their family members can enjoy an acceptable standard of living. This ILO's concern is clearly set out in the Declaration of Philadelphia, which declares that labour is not a commodity.

The general objective of this session is therefore to contribute to this effort by improving international labour legislation providing protection to seafarers. It will not be an easy task. It is not simply a matter of adopting new instruments. It is you who will have the responsibility of adopting instruments that in your view can be ratified and implemented by ILO member States. In his report to the 81st International Labour Conference of 1994, the Director-General stressed the importance of this issue in saying that "it is not enough merely to produce standards. For standards must be ratified and applied. While national legislation directly applies to relations between the State and workers and employers, the ILO's international standards can have the same effect only with the assent of the member States, as signified through ratification of the instrument".

The instruments, which we hope you will adopt at the end of this session of the Conference are the result of a long process within the ILO and there is no doubt that they will reflect certain compromises. On the one hand, they must be sufficiently broad and flexible to enable a high number of ratifications. On the other hand, they must be useful and by this I mean that they must make a genuine

contribution to solving the practical issues faced by the maritime sector today and to resolving issues that may arise in the future.

As you know, most of the topics that will be discussed during this session of the Conference were submitted to the ILO through resolutions adopted in 1987 by the Maritime Session of the Conference. Subsequently, these issues were discussed at the 26th meeting of the Joint Maritime Committee which took place in 1991. The Committee recommended that the Maritime Session of the International Labour Conference examine the possibility of revising five ILO maritime instruments. The Governing Body agreed and decided to convene a tripartite meeting on maritime labour standards with a four-point agenda comprising the total or partial revision of these instruments. The tripartite meeting, which took place in 1994, acted as a preparatory maritime technical conference, that is it served as a framework for an initial discussion on revising these instruments. This way of dealing with the question enabled the Office to save scarce resources during the recent period of financial difficulties.

The tripartite meeting agenda was the same as that of this Conference, namely the revision of the Labour Inspection (Seamen) Recommendation, 1926 (No. 28), the revision of the Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958 (No. 109) and Recommendation, 1958 (No. 109), the revision of the Placing of Seamen Convention, 1920 (No. 9) and the partial revision of the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147).

The meeting examined four reports on legislation and practice prepared by the Office with relation to these four agenda items and adopted conclusions with a view to the adoption of new Conventions and Recommendations and, in the case of the partial revision of Convention No. 147, conclusions with a view to the adoption of a Protocol to that Convention.

The four reports prepared by the Office for this Conference which will serve as the basis for our discussions, contain the conclusions prepared by the Office for the Tripartite Meeting and the relevant extracts from the proceedings of that Meeting, together with the proposed text of Conventions and Recommendations, or in the case of Convention No. 147 of a Protocol adopted by the Meeting for submission to this Conference.

I would also like to draw your attention to some savings that were decided by the Governing Body and by the Conference in 1995 and 1996, as a result of which there have been certain changes in the International Labour Conference and the Maritime Conference. One of the consequences is that there will be no Director-General's Report to the Conference for discussion in plenary session. Another change is that no resolution may be submitted on any item that is not on the Conference agenda, and there will therefore be no Resolutions Committee. For more information I would refer you to the Memorandum that was prepared for the Conference.

There is another task that needs to be carried out during the plenary session. The Conference has to appoint 40 new members of the Joint Maritime Committee. Since 1920 this Committee has been the ILO's main advisory body in all matters having to do with the living and working conditions of seafarers. I have already mentioned the role that the Committee played in relation to the work that lies before us in the next two weeks. Once the Conference is over and in accordance

with the decisions adopted by the Governing Body, the Committee will hold a short meeting to update the basic minimum wage for able seamen, as established in Recommendation No. 109 — assuming of course that the Conference decides to maintain this international reference wage.

Going back to the main task of the Conference, which is the adoption of new or revised maritime instruments, I would like to take this opportunity to urge all of you, whether you be Government delegates or shipowners or seafarers, to contribute actively to our common objective, which is to adopt pragmatic and valid instruments that you feel will receive broad ratification and implementation and will serve the maritime community in the next millennium.

Finally, the United Nations Secretary-General has asked the ILO to draw the attention of the member States of the Organization to his 11 April 1996 report to the meeting of States Parties to the United Nations Convention on the Law of the Sea in accordance with Article 319 of that Convention.

Delegates attending the Conference may, if they so wish, request a copy of this report.

Speaking on behalf of the Governing Body, I should like to express my hope that your debates will be fruitful, that they will take place in a spirit of cordiality, understanding and mutual respect, that they will avoid all unnecessary political controversy and that they will make a serious and specific contribution to better living and working conditions for seafarers.

I declare open this Conference and I fervently hope that it will be conducted in the spirit that I have described.

ELECTION OF THE PRESIDENT OF THE CONFERENCE

Original Spanish: Mr. ARRATE MAC NIVEN (*Chairman of the Governing Body of the International Labour Office*) — The next item on our agenda today is the election of the President of the Conference. I open the floor for nominations. I invite Mr. Fannizadeh, the Government delegate of the Islamic Republic of Iran, to present a nomination on behalf of the Asian region for the post of President of the Conference.

Original Farsi: Mr. FANNIZADEH (*Government delegate, Islamic Republic of Iran*) — On behalf of the Asia and Pacific group of the ILO, I have the honour and pleasure of nominating Mr. Michael J. Hubbard as President of this 84th (Maritime) Session of the International Labour Conference.

Mr. Hubbard has had several years of experience at sea as well as responsibilities as a maritime surveyor in the Canadian Administration. He is chief of maritime operations and was recently appointed director-general of safety at sea. Many of us will remember his excellent presidency of the preparatory meetings for this Conference.

We are confident that his skill and experience will enable him to guide this Conference efficiently and successfully. We hope that the Conference will unanimously elect Mr. Hubbard as President of this important session.

Original German: Mr. LINDEMANN (*Employers' delegate, Germany*) — The Employers' group would like to support the proposal for the nomination

made by the Government representative of the Islamic Republic of Iran that we elect Mr. Hubbard as President of this session of the International Labour Conference. We saw Mr. Hubbard already served as president in November-December 1994 and we are sure that he will conduct the affairs of this session of the International Labour Conference with success.

Mr. FAY (*Workers' delegate, United States*) — On behalf of the Workers' group, it gives me great pleasure to support the nomination of Mike Hubbard as President of this 84th (Maritime) Session of the International Labour Conference. Mike already performed this difficult task with great skill during the tripartite technical meeting which prepared the ground for this meeting so well in 1994 and we are quite confident in his ability to guide our discussions to a fruitful conclusion.

The results of this Conference will not be just so many pieces of paper adopted and then forgotten. They will have a direct and real impact on the working lives of hundreds of thousands of seafarers who endure some of the most difficult and hazardous conditions of any group of workers on the face of the planet.

It is no coincidence that the ILO's name is better known by seafarers than by any other group of workers. It is no coincidence that seafarers and shipowners have, throughout the long history of the ILO, worked together more constructively than any other industrial sector. Our ability to work together over the next two weeks to produce international standards which are both worthwhile and ratifiable in practice, at least by those governments which care about seafarers' conditions, will affect not just the future of the ILO's maritime activities but the very future of the ILO itself.

It took a great deal of effort on the part of our group, the Shipowners' group and a great many governments just to get us to this opening session today. Under your chairmanship, Mr. Hubbard, we believe this Conference has every chance of being one of the most successful in the ILO's 77-year history and one which will demonstrate clearly why we, the representatives of the maritime industry, will continue to need our own distinct machinery within the ILO.

Original Spanish: Mr. JOUBLANC (*Government delegate, Mexico*) — It is an honour, speaking on behalf of the Government delegations of the Group of the Americas, to second, and express our support for, the nomination of Mr. Michael Hubbard as President of this Conference. We are quite convinced that under his leadership we will bring our discussions at this 84th (Maritime) Session of the International Labour Conference safely into port.

Original French: Mr. FAUVEAU (*Government adviser, France*) — On behalf of the Western European Group, I too have the honour of seconding the nomination of Mr. Michael J. Hubbard to the post of President of the 84th (Maritime) Session of the International Labour Conference. We, as others have said before me, are convinced that Mr. Hubbard has all the necessary authority and skill to guide our work effectively and efficiently and in a dispassionate climate.

Mr. SYKORA (*Government adviser, Slovakia*) — Speaking on behalf of the Eastern European Group, it is a great pleasure for me to second the nomination of Mr. James Hubbard of Canada on behalf of the Central and Eastern European Government Group.

Original Arabic: Mr. EL SAYED (*Government adviser, Egypt*) — In the name of God, the Compassionate, the Merciful, I am pleased on behalf of the African Group to support the nomination of Mr. Michael Hubbard to the presidency of this Conference. Thanks to his wide experience in these matters, we are certain that he will lead the ship of the Conference to port as he did so successfully in the meetings we held in 1994.

Original Spanish: Mr. ARRATE MAC NIVEN (*Chairman of the Governing Body of the International Labour Office*) — The nomination of Mr. Michael Hubbard, the Government delegate of Canada, has been proposed and duly seconded to serve as the President of this Conference. As there are no other nominations, I declare Mr. Michael Hubbard elected to serve as the President of the 84th (Maritime) Session of the International Labour Conference. I warmly congratulate Mr. Hubbard and I invite him to take the President's chair.

(Mr. Hubbard, Government delegate, Canada, is elected President of the Conference and takes the Chair.)

PRESIDENTIAL ADDRESS

The PRESIDENT — It is a great honour for me personally and for my country to be elected President of this the 84th (Maritime) Session of the International Labour Conference. I look forward to working closely with you during the next two weeks with the aim of making shipping activities efficient, humane and sustainable.

Initially I should like to thank you all for electing me and particularly Mr. Fannizadeh of the Islamic Republic of Iran who first nominated me. I should also like to thank the representative of the Shipowners, Mr. Lindemann of Germany, the representative of the Seafarers, Mr. Fay of the United States, and all those who have supported my candidature. I thank you for those nominations and for your support, and also for the kind words you have addressed to me this morning. I shall do my best to justify the trust that you have placed in me. In carrying out my duties as President of this session, I shall have to rely on your cooperation and your support.

We have a great deal to accomplish in a relatively short time. I am pleased to have on my left the Secretary-General of the Conference, Mr. Michel Hansenne, and on my right Mrs. de Warlincourt, the Clerk of the Conference. I know that I can rely on their dedication and assistance as well as on that of all their colleagues at the International Labour Office. It is our joint objective to see to it that this Maritime Session is a success.

Reflecting what has been said by the Chairman of the ILO Governing Body, I believe we can define success as the adoption of Conventions and Recommendations which are flexible yet meaningful and which are widely

acceptable. To accomplish this, each and every one of us will have to make his or her contribution. In a sense true success can only be measured several years from now when we look at the record of ratifications and the impact of these new instruments and ask ourselves: "Is life at sea better because of what we did at Geneva?"

As we start the work of this 84th (Maritime) Session of the International Labour Conference, let us for a moment recall why we have a special ILO Conference devoted to the living and working conditions of seafarers. Seafarers, as you are all well aware, have special needs which can best be dealt with by those who have the experience and technical competence at both the national and the international level. The profession of seafarer is unique. Vessels of various types are both workplace and home and they travel all the oceans of the world. In addition, seafarers are increasingly being employed on ships which fly the flags of countries other than their own. In this Conference we will discuss among other issues the placing of seafarers, wages, hours of work and manning, and the inspecting and monitoring of labour conditions on ships which may seldom, if ever, call at a port in the country of registry.

Merchant shipping is truly international. We are all familiar with the complex mixture of registry, ownership, trading patterns, management arrangements and the nationality and cultural identity of crews which is a hallmark of this sector. Seldom are we dealing with only one country's laws, regulations and customs. It is for this reason that so many maritime labour Conventions and Recommendations have been adopted by the ILO since 1920 and that once again a Conference has been called to address problems which transcend national, geographical and legal boundaries.

If the problems were simple and could be met with simple or local solutions, it would not be necessary for us to be here. While other international bodies address other aspects of trade and shipping which affect the lives of seafarers, the International Labour Organization is the only international organization which specifically deals with these important seagoing labour issues. Its unique tripartite structure offers particularly favourable conditions for a successful consideration of these problems. The ILO's maritime labour standards have only been possible because Government representatives and the representatives of the Shipowners and Seafarers negotiated in a responsible manner for the welfare of all concerned and in an atmosphere of mutual respect and consideration characteristic of all discussions at the International Labour Conference.

We all know the great responsibilities that have been and will be placed on the shoulders of seafarers in the future. We know also the increased public demand for safe and sound ship operations. And ultimately the ability of our industry to function efficiently depends, to a large extent, on the people out on the ships at sea carrying out their duties at their work each day. It is therefore important to have working and living conditions at sea that attract the men and women that the industry needs.

Finally, I should like once again to reiterate my appreciation to all of you for the great confidence you have placed in me in electing me as your President. I am sure that this session will achieve positive results.

ELECTION OF THE VICE-PRESIDENTS OF THE CONFERENCE

The PRESIDENT — We shall now proceed to the election of the Vice-Presidents of the Conference. I would call upon the Clerk of the Conference to read the nominations made by the groups.

Original French: The CLERK OF THE CONFERENCE — The nominations for the posts of Vice-Presidents of the Conference are as follows:

Government group

Mr. Simanjuntak (Indonesia)

Employers' group

Mr. Ghildiyal (India)

Workers' group

Mr. Nakanishi (Japan)

The PRESIDENT — If there are no objections, I shall take it that the proposals are adopted?

(The proposals are adopted.)

DELEGATION OF AUTHORITY TO THE OFFICERS OF THE CONFERENCE

The PRESIDENT — We shall now proceed to the delegation of authority to the Officers of the Conference, and in this regard I must remind the Conference of the terms of the resolution that was adopted in June delegating to the Officers of the Conference authority to take non-controversial decisions on its behalf until the next plenary.

The proposed delegation of authority reads as follows:

Noting that at its 83rd Session the International Labour Conference assigned to the President and the three Vice-Presidents of the Conference at its present 84th (Maritime) Session the duties normally assigned to the Selection Committee in accordance with the relevant provisions of the Standing Orders and usual practice;

1. The General Conference of the International Labour Organization hereby also confers on its President and three Vice-Presidents the authority to take any decision on its behalf and to perform any functions within the power of the Conference with respect to — (a) the conduct of the business of the Conference, including the composition of committees, and any other uncontroversial decision relating to the organization of its proceedings or the functioning of the session; (b) any other matter that needs to be resolved before the Conference resumes its plenary sittings, unless a majority of the Officers considers that the Conference should hold a sitting to discuss the matter in question.

2. Decisions under this delegation of authority shall be taken by a simple majority of the Officers and shall be published in the *Record of Proceedings*.

3. This delegation of authority shall apply as from the moment of its adoption on 8 October 1996 and shall terminate when the Conference resumes its plenary sitting.

May I take it that this proposed decision is adopted?

(The decision is adopted.)

NOMINATION OF THE OFFICERS OF THE GROUPS

The PRESIDENT — We now move to the nomination of the Officers of the groups and here again I call upon the Clerk of the Conference to read the names of the persons who have been elected as Officers of the various groups.

Original French: The CLERK OF THE CONFERENCE — The groups have elected their Officers as follows:

Government group

Chairman: Mr. Pinto (*India*)

Employers' group

Chairman: Mr. Lindemann (*Germany*)

Vice-Chairman: Mr. Aglieta (*Italy*)

Secretary: Mr. Dearsley (*International Federation of Shipowners*)

Assistant Secretary: Ms. Cooper (*International Federation of Shipowners*)

Workers' group

Chairman: Mr. Fay (*United States*)

Vice-Chairman: Mr. Ross (*Australia*)

Secretary: Mr. Dickinson (*International Transport Workers' Federation*)

The Officers of the Workers' group will be Mr. Fay of the United States, Mr. Nakanishi of Japan, Mr. Ross of Australia, Mr. Legouas of France, Mr. Orrell of the United Kingdom and Mr. Oca of the Philippines.

The PRESIDENT — The Conference takes note of the nomination of the groups.

CONSTITUTION AND COMPOSITION OF THE TECHNICAL COMMITTEES OF THE CONFERENCE

The PRESIDENT — The next item on our agenda is the establishment of the various technical committees which will consider the matters before the Conference. The Conference may wish to set up the following committees: Committee on the Revision of the Labour Inspection (Seamen) Recommendation, 1926 (No. 28), and Partial Revision of the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147); the Committee on the Revision of the Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958 (No. 109), and Recommendation 1958 (No. 109); and Committee on the Revision of the Placing of Seamen Convention, 1920 (No. 9).

May I take it that these proposals are adopted?

(The proposals are adopted.)

The nominations of members of the various committees made by the groups appear in a list which has already been distributed. You will find copies on the distribution counters. If there are no objections, I shall take it that the proposals are adopted.

(The proposals are adopted.)

COMPOSITION OF THE CREDENTIALS COMMITTEE AND OF THE
CONFERENCE DRAFTING COMMITTEE

The PRESIDENT — We now turn to the composition of the Credentials Committee and of the Conference Drafting Committee. The Officers have consulted each other and, in the exercise of their Selection Committee duties, propose the following composition for the Credentials Committee and the Conference Drafting Committee.

Credentials Committee

Government delegate and Chairman: Mr. Dax (Namibia)

Employers' delegate: Mr. Springborg (Denmark)

Workers' delegate: Mr. Vriesen (Netherlands)

Conference Drafting Committee

The President of the Conference

The Secretary-General of the Conference

The Legal Adviser of the Conference

The Director of the International Labour Standards Department

The Deputy Legal Adviser of the Conference.

I would recall that there are a number of other less important decisions that the Conference normally takes on the proposal of the Selection Committee, but these can be taken later by the Officers under the delegation of authority that they have just received. They will be reported to the Conference in the first report of the Officers, which will appear tomorrow.

Finally, I should remind you that no further plenary sitting will take place until the end of the Conference, that is on Monday, 21 October, and Tuesday, 22 October, for the adoption of the reports and instruments.

(The Conference adjourned at 11.30 a.m.)

Second sitting

Monday, 21 October 1996, 11.45 a.m.

President: Mr. Hubbard

COMPOSITION OF THE JOINT MARITIME COMMISSION

The PRESIDENT — The first item on our agenda this morning is the composition of the Joint Maritime Commission, and I call on the Clerk of the Conference to read the nominations submitted by the groups.

The CLERK OF THE CONFERENCE — The composition of the Joint Maritime Commission is as follows:

Members appointed by the Governing Body:

Mr. HOFF, Employers' delegate, Norway
Mr. CALAMATTA, Workers' delegate, Malta

Titular Employer members:

Mr. PAYNE (Australia)
Mr. MORALES VILLAMOR (Chile)
Mr. SPRINGBORG (Denmark)
Mr. ABDOU (Egypt)
Mr. SULPICE (France)
Mr. LINDEMANN (Germany)
Mr. PARK (Republic of Korea)
Mr. AL FAUZAN (Kuwait)
Mr. BOUWMAN (Netherlands)
Mr. ALIYU MOHAMMED (Nigeria)
Mr. VATNE (Norway)
Mr. SALINAS (Philippines)
Mr. KOLTSIDOPOULOS (Greece)
Mr. GHILDIYAL (India)
Mr. AGLIETA (Italy)
Mr. MASUDA (Japan)
Mr. NIEWEGLOWSKI (Poland)

Mr. ZAMARIANOV (*Russian Federation*)
Mr. LUSTED (*United Kingdom*)
Mr. COX (*United States*)

Deputy Employer members:

Mr. CABRAL (*Argentina*)
Mr. SMITH (*Liberia*)
Mr. GONZALES SCHIVON (*Mexico*)
Mr. GEZELIUS (*Sweden*)

Titular Worker members:

Mr. HARVEY (*South Africa*)
Mr. BARNES (*India*)
Mr. NAKANISHI (*Japan*)
Mr. OCA (*Philippines*)
Mr. ROSS (*Australia*)
Mr. ZHANG SHIHUI (*China*)
Mr. BENZE (*Germany*)
Mr. EREMENKO (*Russian Federation*)
 substitute: Mr. KEPP (*Russian Federation*)
Mr. GJESTRUM (*Norway*)
 substitute: Mr. DEGERUD (*Norway*)
Mr. DI FIORE (*Italy*)
Mr. FUNCH (*Denmark*)
 substitute: Mr. BERLAU (*Denmark*)
Mr. HALAS (*Greece*)
Mr. ABRAHAMSSON (*Sweden*)
Mr. MENTEROLA (*Spain*)
Mr. ORRELL (*United Kingdom*)
 substitute: Mr. SANTEMARA (*United Kingdom*)
Mr. NARELLI (*France*)
 substitute: Mr. VERRIEUX (*France*)
Mr. BERLAN (*Croatia*)
 substitute: Mr. SOZO (*Croatia*)
Mr. VRIESEN (*Netherlands*)
Mr. FAY (*United States*)
Mr. SOUSA DE FIGUEIREDO (*Brazil*)

Deputy Worker members:

Mr. ELSOBIHY (*Egypt*)
Mr. DIELIS (*Belgium*)
Mr. GRALEWICZ (*Canada*)
Mr. MORATO (*Argentina*)

FIRST AND SECOND REPORTS OF THE CREDENTIALS COMMITTEE:
SUBMISSION AND NOTING

The PRESIDENT — The second item on our agenda is the consideration of the first and second reports of the Credentials Committee (*Provisional Records* Nos. 3A and 3B). I call on Mr. Dax, Chairman of the Committee, to submit the reports.

Mr. DAX (*Government delegate, Namibia; Chairman of the Credentials Committee*) — I have the honour to present together the first and the second reports of the Credentials Committee which appear in *Provisional Records* Nos. 3A and 3B.

The first report sets out the position with regard to the composition of the Conference as on 8 October, the date when the report was adopted. Since the adoption of that report, the figures relevant to the calculation of the quorum are continually updated to reflect the actual situation as accurately as possible. The quorum of the Conference necessary to give validity to a vote was 126 on Friday evening, 18 October, when the Committee adopted its second report.

The second report contains the decision of the Committee on the objection concerning the nomination of the Workers' delegate of the Russian Federation. The Committee unanimously decided not to uphold the objection, but made certain comments concerning the manner in which the nomination was made. It recalled the general obligation of governments to reach agreement with the most representative organizations, not only on the nomination of the delegate, but also on the advisers and substitute delegates. It also considered that there was a need to clarify the situation as to which organization was the most representative, as well as their relative importance. Concerning the information that the membership of seafarers' organizations included employers, the Committee considered that certain adjustments would be required to bring the concept of such workers' organizations in line with the spirit of article 3, paragraph 5, of the Constitution. The Committee also recalled that a system of rotation could not be imposed by the Government without the agreement of the most representative organizations themselves.

There are two other matters to which I would like to refer. The first relates to the number of incomplete delegations and of delegations which were exclusively governmental. Sixteen out of the 86 delegations attending the Conference were exclusively governmental, while six countries had not appointed either a Workers' nor an Employers' delegate. In this regard, the Committee considered it necessary to draw the attention of member States of the Organization to their obligation to comply with article 3, paragraph 5, of the Constitution and to send complete tripartite delegations to the Conference.

The second matter concerns the payment of expenses of delegations attending this session of the Conference. Regarding the payment of the travel and subsistence expenses of delegations, only the governments of 29 member States out of the 86 attending the Conference provided the relevant information when they submitted the credentials of their delegations. Twenty-one of these governments declared that they had paid the expenses of the whole of their delegations and seven indicated that they only covered the expenses of some

members of their delegations or only part of the expenses of the delegations. One government indicated that it had not paid for any of these expenses due to budgetary difficulties, while 57 governments did not respond at all to the request for information.

The Committee wishes to draw attention to its first report in which it recalled the obligations of Members under article 13, paragraph 2(a), of the Constitution to pay the travel and subsistence expenses of their delegates and advisers to the Conference.

These two reports only need to be noted by the Conference as they reflect the unanimous conclusions of the Committee. In this connection, I must express my gratitude to my colleagues, Mr. H.C. Springborg, the Employers' Vice-Chairman of the Committee, and Mr. J.E. Vriesen, the Workers' Vice-Chairman, for their excellent spirit of cooperation, which made a pleasant experience of the harmony that tripartism can achieve.

The PRESIDENT — As the first and second reports of the Credentials Committee have been adopted unanimously by that Committee, the Conference is merely called upon to take note of them.

(The reports are noted.)

I would like to thank the Chairman and the Vice-Chairmen and the other members of the Committee and the secretariat for the obviously very thorough and excellent work that they have done.

REPORT OF THE COMMITTEE ON CONVENTION NO. 9:
SUBMISSION, DISCUSSION AND ADOPTION

The PRESIDENT — Our next item is the report of the Committee on Convention No. 9 which is found in *Provisional Record* No. 7. I call on Mr. Blower, Reporter of the Committee, to submit the report.

Mr. BLOWER (*Government delegate, Australia; Reporter of the Committee on Convention No. 9*) — I have the honour to present the report of the Committee on the Placing of Seamen Convention, 1920 (No. 9).

Ninety years ago, a Royal Commission on shipping in Australia heard evidence of recruitment practices reminiscent of two or three centuries ago, rather than of this century. Seafarers were kidnapped from their lodging houses, only to wake several hours later, at sea and with sore heads.

This may be the more colourful extreme in recruitment practices, but other practices were serious enough for this Organization to give the matter attention very early in its existence. The result was the Placing of Seamen Convention, 1920.

The primary purpose of the Convention was to abolish agencies that charged fees for finding employment for seafarers. The intervening years have, of course, seen fundamental changes in the world in general and in shipping in particular. One would have hoped that by 1996 we would no longer need an international Convention dealing with the recruitment practices of seafarers. Sadly, there are

still too many instances of seafarers being provided with jobs more for their willingness to accept low wages and keep their mouths shut than for their ability to do the job efficiently. Many seafarers still need the protection of this Organization, and that is why we have spent the past two weeks revising the 1920 Convention.

One of the more contentious matters which the Committee debated was the proposal of the Workers' group to include a reference to a seafarer's basic human and trade union rights. While not one person in the Committee disagreed with the proposition that a seafarer was entitled to such rights, however he may be recruited, there was considerable disagreement on whether it was appropriate for those to be reflected in a Convention of this nature. There was a view that if such rights already existed there was no need to mention them in this Convention; if they did not exist, there may be a need for them to be contained somewhere, but this Convention was not the right place.

In a spirit of consensus, the Committee agreed to include the statement that is now in the draft Convention as Article 3. To many it may be regarded as stating the obvious. However, something that "goes without saying" may still be worth saying again.

The draft Convention does not automatically apply to fishermen or seafarers serving on offshore mobile units, but in keeping with other recent Conventions provision is made for Members to extend it, after consultation, to such seafarers. A resolution has been proposed on this subject.

The draft Convention allows private recruitment and placement services, but requires them to conform to a system of licensing, certification or other form of regulation. Consultation with shipowners and seafarers is required in establishing such a system. The infamous "blacklists" are prohibited by the draft Convention.

The Committee proposes that seafarers should not be charged fees for being recruited and placed. An employer will not however be responsible for meeting the costs of the documentation that evidences a seafarer's basic eligibility to be recruited at all. His statutory certificates, his basic medical certificate — his personal travel documents such as a passport and his national seafarer's book. An employer would, though, be required to meet the cost of any special document or examination required by him in connection with a specific placement.

A recruitment and placement service will be required to adopt measures to ensure, as far as it can, that the employer with which it places a seafarer will not leave him stranded in a foreign port. A recruitment and placement agency will be required to have some form of insurance or equivalent protection to compensate seafarers in the event of default on the part of the service.

I have highlighted the principal features of the draft Convention. It contains in addition a number of detailed provisions dealing with such matters as the signing of contracts of employment and the investigation of complaints. The Recommendation which accompanies the Convention provides further details related to the operation of recruitment and placement services, such as operational standards and the need for data collection.

A resolution has also been proposed on the revision of the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96). The Conference Drafting Committee has been asked to correct an inconsistency between the Convention and the Recommendation on the right to privacy and the need to

protect confidentiality. That Committee will also correct the title of the Convention which should be the Recruitment and Placement of Seafarers Convention, 1996.

The shipping industry is under scrutiny as never before. Too many seafarers have been lost at sea over the past few years. Recent high profile accidents have heightened public awareness of the need to operate ships to the highest standards and, in particular, the high standards of crewing. High standards begin at recruitment and placement services, and I therefore commend the report to the Conference for adoption.

Mr. PAYNE (*Employers' delegate, Australia; Employers' Vice-Chairman*) — The work of the Committee on Convention No. 9 was completed within the time-frame required by the secretariat, following a series of intense discussions under the chairmanship and guidance of Mr. Leo Palma. There were a number of concerns that shipowners wished to see resolved in the revision of Convention No. 9.

Shipowners anticipated that the question of a so-called guarantee fund, of blacklists, of the incorporation of private recruitment and placement services and of costs applicable to seafarers seeking placement would dominate the workload of this Committee. The shipowners' predictions turned out to be well founded.

These issues were all considered in detail and have formed an integral part of a modern text suited to the requirements of the global shipping industry of the 1990s and beyond.

A matter I must mention is that of Article 3 in the new text, which makes reference to the human and workers' rights issue.

Article 3 of this Convention was inserted as a result of a long debate in the Committee and in drafting groups. The Shipowners' group finally accepted the text on the understanding that the terms included within it accorded with normal practice and standard phraseology in ILO instruments. Regrettably we were subsequently advised that this was not the case.

The Shipowners' group fully supports the general objectives set out in this Convention, and we have decided not to attempt to reopen the discussion which refers to the important issue of human or workers' rights, as to do so could be wrongly construed as suggesting that we did not support these general principles.

We believe that seafarers' human or workers' rights will be more effectively served by the acceptance of the specific conditions set out in this Convention than by the general principle contained within Article 3. We would very much prefer that Article 3 did not appear in this Convention, and we accept it only in the hope that the inclusion of this unprecedented formulation will neither hamper the Convention from rapidly gaining widespread ratification and enforcement nor create a precedent for future Conventions.

Another matter that we wish to raise is that of a resolution submitted by the Workers' group on the application of the revised placing of seafarers Convention to the fishing industry. The resolution proposes that an early tripartite meeting be convened to consider the application of ILO maritime instruments to the fishing industry. I must stress that we do not represent fishing industry interests and are therefore not in a position to comment on the resolution.

In conclusion I wish to express my appreciation to members of the seafarers' group and to note the role in the Committee's deliberations played by the Government group. The Chairman of the Committee, Mr. Leo Palma, performed an excellent job in the sometimes trying circumstances of an issue that drew a great deal of attention from both the seafarer and Government delegations.

My shipowner colleagues and I earnestly hope that we — and all of those who have contributed to the successful outcome of this session of the Conference — have laid the groundwork for the continuation of this productive mechanism utilized by the maritime industry to endeavour to improve the circumstances of the international shipping industry.

Mr. LAMUG (*Workers' adviser, Philippines*) — I have the honour, on behalf of the Workers' Vice-Chairman of the Committee on Convention No. 9, to speak on the report of that Committee on the draft Convention, the draft Recommendation and the two draft resolutions.

Since the Placing of Seamen Convention, 1920, was adopted there have been many changes in the wider world of work. The original Convention only provided for public placement services, which still remain in our opinion the best option. However, the draft Convention, while not in any way requiring Members who ratify it to permit the establishment of private recruitment and placement services for seafarers, does seek to control the operation of private recruitment and placement services where they have been or will be established. We are living in a world of globalization and deregulation where the power of many national governments has been considerably weakened.

We fear that privatization of the existing public recruitment and placement services could cause a return to the past in some countries. That said, we are also mindful of the need to regulate them and to ensure that they conform to a system of licensing, certification or other forms of regulation. This has in our view been accomplished by the draft Convention and the accompanying draft Recommendations.

At the onset of negotiations, the Workers' group had a number of fundamental concerns, the first of which related to the all too prevalent system of blacklisting seafarers when they seek to exercise their basic rights. This has even placed seafarers who thought that the vessel that they were serving on was unsafe in the invidious position of having to balance the dangers of sailing on such a vessel against the loss of future employment opportunities if they had complained. We are aware that the inclusion of references to basic human and trade union rights has been very controversial. However, it should be noted that there is nothing in the Article which is inconsistent with what has previously been adopted within the ILO; this is clearly demonstrated by the Migrant Workers (Supplementary Provisions) Convention (No. 143) which was adopted in 1975 and which entered into force on 9 December 1978.

As the social partners have both emphasized that seafarers need special treatment and protection within the ILO, it is therefore appropriate that the draft Convention reflects the protections which were included in Convention No. 143. As it is often the private recruitment and placement services that operate blacklists, we believe that the inclusion of such a reference is not only appropriate but essential. Moreover, the draft Convention will unequivocally prohibit the

establishment and operation of mechanisms designed to deny seafarers employment opportunities.

Our second concern was the current system of charging seafarers for jobs and requiring them to pay for all the necessary certificates and documents, the costs of which can be considerable given that many shipowners require additional medical examinations and flag States require foreign seafarers to hold their certificates or to have their national ones endorsed. We should say in this regard that the reference to documents necessary for the job concerned in Article 5, paragraph 2(a), clearly includes certificates. The agreed text in the draft Convention goes some considerable way towards meeting these concerns.

Our third concern is with abandoned seafarers and the non-payment of wages. In recent years a growing number of seafarers have been stranded in foreign ports with no money and no way of returning home. Often they have been dependent on charity for even basic sustenance. While the draft Convention does address these issues, we cannot be entirely satisfied with the outcome as the text has only partially addressed the problem of ensuring that sufficient funds are available to cover the wages owing to seafarers and to meet the cost of their repatriation. It was stated during the negotiations that these matters should be outside the scope of this draft Convention.

The Workers' group therefore has stated that we regard the issue open and that the draft Convention only provides a starting-point for the work of this Organization.

The Workers' group is also of the view that the grievance redress provisions in Article 6 of the draft Convention are rather weak and lack sanctions, in the event of recruitment and placement services not complying with their contractual obligations. While we believe that this is a serious omission, we consider that it is rectified when the draft Convention is read in conjunction with the draft Recommendation.

The Workers' group was of the opinion that the draft Convention should also apply to fishermen and hope that the Conference will adopt the draft resolution on the application of revised Convention No. 9 to the fisheries sector and that the Governing Body will respond positively to the recommendations contained in the operative paragraphs.

We also hope that the International Labour Conference, charged with revising Convention No. 96, will not only maintain the current exclusion of seafarers but also consider the contents of the revised Convention with a view to ensuring that there are no inconsistencies which could impede a country from being able to ratify both instruments. A resolution on this matter is also before you today and we urge its adoption.

The Vice-Chairman, in his opening statement to the Committee on Convention No. 9, stated that the seafarers believe that there is a fundamental and structural crisis within the maritime sector which has had severe implications for seafarers. There is an emerging consensus that something fundamental must be done to address the problems within the maritime industry, and this is being driven by growing public opinion.

The Vice-Chairman also referred to the moves currently under way to establish a safety culture on board ships and that the revision of the *Placing of Seamen Convention* provided the ILO with an opportunity to make an important

contribution in this regard. The seafarers believe that the ILO has seized the opportunity and that the draft Convention will play a key role in the attainment of this objective. It is on this basis that I would like to congratulate all those who participated in the work of the Committee and to commend, in its entirety, the draft Convention, the Recommendation and the two resolutions to the Conference for adoption.

Ms. YIM (*Government delegate, United States*) — It has been a privilege for me to serve as Coordinator of the Government group on this Committee, and I am honoured to have this opportunity to offer remarks on this effort.

And an effort it was. The long hours, intense debates and final compromises required a commitment from seafarers, shipowners and Government representatives. Under the able leadership of Mr. Palma, Mr. Payne and Mr. Oca, we have developed a document which begins to address the problems associated with the placing of seamen. We are grateful that Mr. Palma especially encouraged the Government representatives to meet and actively work to shape this Committee report. While we came from all continents and numerous countries, we respected each other's opinions, understood the need for accurate translation, and patiently accepted the potential opportunities, as well as the difficulties, each country may face in seeking ratification.

Accomplishing the goals of this tripartite meeting has already begun. Those who work together as we did over the past two weeks, with a shared vision of better working conditions for seafarers, cannot help but succeed.

Now, taking off my hat as Coordinator of the Government group, I am here also to reaffirm the deep and unequivocal commitment of the United States Administration, under President Clinton, to the mission of the International Labour Organization. It was, after all, more than six decades ago that the United States joined the ILO. Our involvement has endured and will endure.

As Deputy Administrator for the United States Maritime Administration, I appreciate the importance of the work of the ILO to the maritime industry. If we want to support the continued expansion of the global economy in general, and of the maritime industry in particular, then we must do more to implement international labour standards, and especially the ILO's core standards.

Moreover, we simply cannot separate our trade discussions from the conditions under which workers produce for the international market. To do so would be to risk failure in spreading the benefits of trade to the greatest number of people, and to risk losing the popular support necessary for further liberalization.

As others here today have said, the maritime industry is the key to efficiently accomplishing transportation requirements so essential to expanded international trade. It has been so for centuries in the past and will be in the future.

The work of this Conference will support a positive future for seafarers, and all who have participated in the Committee that I was proud to serve on, as well as in the entire gathering of this Conference, are to be congratulated on its success.

Mr. PALMA (*Government adviser, Philippines; Chairman of the Committee on Convention No. 9*) — Allow me at the outset to commend each and every

member of the Committee who participated in the work of the Committee. Membership of the Committee is a source of pride for me, and the quality of the interventions, the quality of the leadership provided by the leaders of both the Seafarers' group and the Shipowners' group, Captain Oca and Mr. Payne.

Of special mention, simply because it is the first time ever, as far as I can recall, in any Conference that Governments have sat down, met more than once and deliberately tried to discuss issues, compare notes, discuss positions. That is due to the vision of the Chairman of the Government group for this Conference, Mr. Pinto of India, and of course, in our Committee, of the Chairmen and the Coordinator or the Government group.

The proposed Convention revising the Placing of Seamen Convention is a product of the current disposition which acknowledges the potential positive role of the private sector in this regard. Thus, just as it affirms the possible continued utility of public employment agencies in the recruitment and placing of seamen, it expressly ratifies, and for the first time since 1920, the possible participation of the private sector in this field of human endeavour. In so doing, the Convention provides for certain basic rules on the establishment, operation, and supervision of recruitment and placement services. These rules are all intended to protect the seafarer.

There was a conscious effort on the part of all of the members of the Committee to forge an instrument capable of being ratified and enforced by the governments of member States. This effort was tempered by the awareness that seeking the lowest common denominator just in order to have such a kind of instrument would be self-defeating. I am of the firm personal belief that the Committee has obtained optimum results. It has unconditionally rejected the lowest common denominator. Instead, it has deliberately prescribed standards well beyond the lowest common denominator, but yet within the bounds of reason and practicability.

As Chairman of the Committee, I have said what I have to say in the Committee and those statements are part of the record. I stand by those statements. Before the Conference, all that behoves me now is to stand by the report.

At the beginning of the Conference, the President defined, with maritime precision, the yardstick against which the results of our Conference should be assessed. He asked: would life at sea be better off for the seafarer as a result of our work here?

I am of the belief that the Committee on the Revision of the Placing of Seamen Convention, 1920 (No. 9), has forged instruments which could contribute, should contribute, to the amelioration of the seafarers' life at sea. I am also of the belief that, with good faith and decisive political will, the Convention is capable of being ratified and enforced.

In this context then, as Chairman of the Committee, I commend to you the report and the instruments attached to it for adoption. In connection with the work of the Conference, of our Organization, I personally believe that we must continue to promote international labour standards solely on the basis of the moral authority of our Organization. Ours is a permanent moral concern, not the temporary and ever-changing trade concern. To act on the basis of moral authority is not to be weak either; after all, the spiritual leaders of all races, all

nations and all persuasions have accomplished more in terms of promotion of respect for the dignity of man. It is always in that spirit, I believe, that we must pursue our work at the ILO.

The PRESIDENT — The report of the Committee on Convention No. 9 is now open for discussion.

If there are no requests for the floor, we shall proceed to the adoption of the report itself, paragraphs 1 to 361. If there are no objections, I will take it that the report is adopted.

(The report is adopted — paragraphs 1 to 361.)

We now move to the adoption of the resolution on the application of revised Convention No. 9 to the fisheries sector. If there are no objections, I will take it that this resolution is adopted.

(The resolution is adopted.)

We now move to the adoption of the resolution concerning the recruitment and placing of seafarers. If there are no objections, I will take it that the resolution is adopted.

(The resolution is adopted.)

PROPOSED CONVENTION CONCERNING THE RECRUITMENT
AND PLACEMENT OF SEAFARERS: ADOPTION

The PRESIDENT — We can proceed to the adoption of the text of the proposed Convention concerning the recruitment and placement of seafarers, Article by Article, commencing with the Preamble.

(The Preamble and Articles 1 to 7 are adopted seriatim.)

May I take it that the proposed Convention as a whole is adopted?

(The proposed Convention is adopted as a whole.)

PROPOSED RECOMMENDATION CONCERNING THE RECRUITMENT
AND PLACEMENT OF SEAFARERS: ADOPTION

The PRESIDENT — We can now move on to the adoption of the proposed Recommendation concerning the recruitment and placement of seafarers, Paragraph by Paragraph, commencing with the Preamble.

(The Preamble and Paragraphs 1 to 4 are adopted seriatim.)

May I take it that the text of the proposed Recommendation as a whole is adopted?

(The proposed Recommendation is adopted as a whole.)

At this point I should perhaps remind the Conference that the vote on these instruments, as well as all the other instruments, will take place in plenary session tomorrow.

In accordance with paragraph 7 of article 40 of the Conference Standing Orders, the provisions of the proposed Convention and Recommendation will be submitted to the Conference Drafting Committee for the preparation of the final text.

And with that we have concluded the consideration of the report, the resolutions and the proposed Convention and Recommendation submitted to us by the Committee on the Revision of the Placing of Seamen Convention, 1920 (No. 9). I would like to thank the Officers and members of the Committee, as well as the staff of the secretariat who have assisted you, for all the excellent work that has been carried out.

REPORT OF THE COMMITTEE ON CONVENTION AND
RECOMMENDATION NO. 109: SUBMISSION

The PRESIDENT — The next item on our agenda is the consideration and adoption of the report of the Committee on Convention and Recommendation No. 109, contained in *Provisional Record* No. 6. I call on Mr. Holmes, Reporter of the Committee, to submit the report.

Mr. HOLMES (*Government delegate, Australia; Reporter of the Committee on Convention and Recommendation No. 109*) — I am pleased and proud to submit to the Conference the report of the Committee on the Revision of the Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958 (No. 109), and Recommendation, 1958 (No. 109). The report, which can be found in *Provisional Record* No. 6, covers the proceedings of the Committee. In developing the proposed Convention and Recommendation the Committee has built on the solid foundations laid by the 1994 tripartite meeting. I would add that the report prepared by the International Labour Office acted as a valuable reference document and memory jogger of those 1994 proceedings and provided a good draft text for the Committee to get its teeth into.

The Committee also adopted two resolutions. One resolution invites the Governing Body to request the Director-General to take certain actions in relation to the preparation of guidelines and a standardized format concerning records of hours of work or hours of rest and shipboard working arrangements. The second resolution makes a link between the new Convention and the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended in 1995.

Our Committee held 14 sittings and examined over 90 proposed amendments to the draft text. Many of the amendments required lengthy deliberation and careful analysis. It is indicative of the positive spirit adopted by all parties. The consolidated texts, taking large numbers of the amendment into account, were able to be developed out of session and were then disposed of quickly in Committee and adopted. I often heard mention of the ILO's spirit of compromise.

There was certainly no shortage of that in this Committee. However, I must add that it was in the very spirit of compromise that the social partners and Government delegates were willing to consider the merits of opposing arguments and then work towards the best all-round solution rather than simply striving for the lowest common denominator.

I am also pleased to note the substantial contribution to the Committee discussions made by my fellow Government delegates. The secretariat has noted that 41 Government members, i.e. 80 per cent of all Government members, took the floor, some of them many times. The conscious effort of our Chairman to encourage everyone to air their views was, I am sure, a major factor in this. Clearly, no one gets everything they set out to achieve in a negotiation, but it was certainly beneficial to the outcome that so many were prepared to put their views and to comment on the positions adopted by others.

I would now like to turn to the main features of the proposed Convention. Part I deals with the scope and definitions of the Convention. The Convention is to apply to all commercial seagoing ships and, as far as is deemed practicable, to commercial maritime fishing. The Convention empowers the competent authority of the Member, after consulting the appropriate owner and worker organizations, to resolve any doubt as to whether or not ships are to be regarded as seagoing ships or engaged in commercial maritime operations or engaged in commercial maritime fishing.

Part II deals with seafarers' hours of work and hours of rest.

Article 5 in particular set out the limits on maximum hours of work or minimum hours of rest. Article 5 requires hours of rest to be divided into no more than two periods, with one to be at least six hours in length. Furthermore, the interval between successive periods of rest is not to exceed 14 hours. This requirement is of course consistent with the STCW for watchkeepers. Article 5 makes provision for national laws or regulations or collective agreements to make exceptions to the limits applying to hours of work or hours of rest, taking into account factors such as more frequent or longer leave periods.

Article 6 places restrictions on young seafarers working at night except when they are part of an established training programme.

Article 7 gives the master the power to suspend the normal hours of work or hours of rest schedules in emergencies. The master is of course obliged to ensure that when the emergency is over any seafarers who have forgotten their rest periods are given some rest as soon as practicable.

The remainder of Part II concerns record-keeping requirements in relation to seafarers' hours of work or hours of rest and the obligations placed on the competent authority to monitor these records and to take appropriate remedial action if there are infringements of the hours of work and rest provisions.

Part III of the Convention provides for the ships to be sufficiently, safely and efficiently manned and sets out parameters for the competent authorities when approving or revising manning levels. Part III also provides that no person under 16 years of age is to work on a ship.

Part IV covers the responsibilities of shipowners and shipmasters. Essentially the shipowner is to provide the master with the necessary resources, including appropriate manning levels for the purpose of compliance with obligations under

this Convention. The master in turn is required to take all necessary steps to ensure the requirements on seafarers' hours of work and rest are complied with.

Part V covers the application of the Convention. Article 14 provides for the ratifying Members to apply the provisions of the Convention by means of laws or regulations, except where effect is given by collective agreements, arbitration awards or court decisions. Article 15 requires Members to take all necessary measures to ensure the effective enforcement of the Convention's provisions, to have appropriate inspection services to supervise the application measures taken in pursuance of the Convention, and to have procedures to investigate complaints.

That is a brief summary of the Convention. I would now like to turn to the Recommendation.

The proposed Recommendation was initially considered by a tripartite working group more than ably chaired by Ms. Solling Olsen, Government member of Denmark. Thanks to her and her colleagues, the Committee was presented with a great text which we were able to review carefully and adopt quickly, having had all the difficult work done for us.

Part I of the Recommendation deals with the scope and definitions. The scope of the Recommendation in terms of potential coverage is consistent with the Convention.

Part II deals with seafarers' wages. The Paragraphs in this Part include the criteria to be applied with respect to seafarers who receive a basic wage and overtime, and the criteria applicable to seafarers on a partly or fully consolidated wage. There are also a number of general criteria. These include that there be equal remuneration for work of equal value, that the information on any agreement specifying the applicable wage or wage rates should be available to each seafarer, and that wages should be paid regularly and in legal tender or, where appropriate, by bank transfer, bank cheque, postal cheque or money order.

Part III of this Recommendation makes provision for Members, after consulting representative organizations of seafarers and without prejudice to the principles of free collective bargaining, to establish procedures for determining minimum wage rates for seafarers. These procedures should take into account international labour standards concerning minimum wage fixing as well as such matters as the nature of maritime employment, manning levels of ships and seafarers' normal hours of work.

Finally, Part IV recommends that the minimum wage for an able seaman should be not less than the amount set periodically by the Joint Maritime Commission.

Although the Committee's task was formidable, particularly given the number and substance of the proposed amendments, it was greatly facilitated by the strong guidance, democratic approach and, most importantly, the great sense of humour of our Chairman, Mr. O'Muircheartaigh. His ability to bring out the best in the Committee members and to get them to see each other's point of view was a great asset. We owe him a great debt of thanks.

Additionally, we were extremely fortunate to have two such experienced, committed and effective Vice-Chairmen in Mr. Lusted, from the Employers' group, and Mr. Orrell, from the Workers' group. Their presentations and drafting skills were formidable.

Government members are also to be congratulated on their high level of technical expertise and their efforts in helping to craft the proposed Convention into what I believe is a very ratifiable instrument. Our task, particularly for the Government members, is now to take the message to our respective countries that this is a very worthwhile Convention which should be ratified quickly and be properly implemented by all countries.

It has been suggested that the past Conventions on the subject may have failed to enter into force because of their inclusion of wages. Hopefully, therefore, the shifting of wages into the Recommendation will assist in the speedy ratification of the Convention by many countries. None the less, it would be a very poor state of affairs if the wage-related issues were simply swept aside as being less important. We would urge all Members with hours of work and wages arrangements not already in line with the Recommendation's provisions to give priority to their implementation.

Before I conclude, I would like to express the gratitude of the Committee members for the excellent assistance we have received from the representative of the Secretary-General, Mr. Ozaki, and his team of experts, legal advisers, secretaries, translators, interpreters, clerks, typists, and all the others who responded to our wishes and needs with efficiency, patience and good humour. I think we sometimes tend to forget just how much it takes to make a conference like this run smoothly.

I should also like to give a special vote of thanks to Miss Trebilcock, the representative of the Legal Adviser. I am told this Committee broke all records for the number of times it sought legal advice. Her clear explanation of legal matters enabled us to reach the conclusions we sought.

Finally, it gives me great pleasure to submit to the 84th (Maritime) Session of the International Labour Conference the report of the Committee on the Revision of Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958 (No. 109), and Recommendation 1958 (No. 109), the text of the proposed Convention and Recommendation on these subjects, and two resolutions. I recommend the adoption of all five instruments.

Mr. LUSTED (*Employers' delegate, United Kingdom; Vice-Chairman of the Committee on Convention and Recommendation No. 109*) — When the Employers' group came to Geneva, we knew that we had an excellent basis for our work and this lay in the work of the 1994 meeting of the Tripartite Committee. Nevertheless, we had to have some apprehensions. Over the last 60 years, there have been four attempts to obtain ratifiable Conventions on hours of work and manning and none of them have come into force. Sadly, in every case the Employers' group had been unable to give its support to the instrument when it came to the Conference session and, in three of those cases, the issue was made even more difficult by the fact that the Convention had confused matters further by also dealing with the infinitely complicated issue of wages.

I suppose that regulating hours of work is inherently difficult. We need to have a good enough regime to provide an international standard, yet there has to be sufficient flexibility to allow diverse types of ship to operate successfully, and we will all in this room know that that diversity has grown, not reduced, over the years.

Against this background, the Committee on Convention and Recommendation No. 109 has had to work very hard to achieve compromises, and all of us — seafarers, shipowners and governments — have, I believe, contributed enormously to that work, to the extent that we have been successful in producing a Convention, a Recommendation, and two resolutions that commanded widespread support within our Committee. I have no hesitation, on behalf of the Employers' group, in commending them to the Conference.

I would particularly like to refer to two key elements of the proposed Convention concerning seafarers' hours of work and the manning of ships. The first is contained in Article 5, which lays down standards for maximum hours of work, or for minimum hours of rest, together with provisions for dealing with musters, drills and periods on call; but it also contains, in Article 5, paragraph 6, the provision which allows exceptional operations to be accommodated by national laws or regulations or by authorized or registered collective agreements. It is through this provision that the Convention attains sufficient flexibility to meet the needs of industry but, as you will see, in a very controlled manner.

Article 5, paragraph 7, provides for the posting of service schedules and maximum work or minimum rest periods required by law, and this is to assist flag state enforcement. This is the other key issue which I would like to mention. Articles 8 and 9 also deal with record-keeping, again of prime importance to flag state enforcement. And of course, these enforcement provisions also have a direct relevance to the work of the Committee on Recommendation No. 28 and Convention No. 147, which has provided for this Convention to be enforced through the Protocol to Convention No. 147, once it has come into force.

The Employers' group fully supports the two resolutions bearing on this Convention. The first calls on the Governing Body of the ILO to put in hand work on the standardized schedule mentioned in Article 5, paragraph 7, and on guidelines for a standardized format for hours of work and hours of rest, provided for in Article 8. It is important that this work is done soon but, when it is undertaken, the Employers' group attaches great importance to the ILO and any working group assisting the Organization continuing to bear in mind the need for flexibility. This will particularly apply in the case of ferries with large crews, many working to standard rosters.

The second of the resolutions deals with the relationship between the Convention's standards and those of the minimum periods for watchkeepers contained in the revised STCW Convention. Again, the Employers' group fully supports this resolution.

Hours of work are getting much attention and regional rules have been under debate in a number of areas of the world. Shipowners hate regional rules. We strongly support a universal regime. We hope that this Convention will achieve widespread ratification and will become accepted as the universal standard, removing the need for regional rules.

To turn briefly to the Recommendation concerning seafarers' wages, hours of work and the manning of ships, this is now the only place where wages are dealt with and I think that, as our Rapporteur said, that has greatly assisted our Committee in progressing. It is this Recommendation which will provide the legal basis for the continuing work of the Joint Maritime Commission in revising the

minimum wage for an able seaman, and this framework is contained in Paragraph 10 of the Recommendation.

Now, of course, this wage standard can only be denominated by the Joint Maritime Commission in one, or at most two, currencies, and currently only in US dollars, but it is paid in a currency appropriate to the seafarers concerned. We had much debate in Committee on whether it was desirable to include a provision on the equivalent amount in local currency in Paragraph 10, but concluded it was more confusing to include such phraseology than to exclude it, so we did not put it in. However, the Employers' group believes that Paragraph 10 must be read with the provisions in Paragraph 6(c) requiring payment to be made in legal tender, which makes it quite clear that not only does the standard wage not have to be paid in US dollars but indeed it has to be paid in a currency which is legal tender in the seafarer's home country.

We had to work very hard to produce these satisfactory results. On behalf of the Employers' group, I would like to pay tribute to the contribution of the Workers' group and their Vice-Chairman, Mr. Orrell, and to the Governments. Above all, I would like to pay tribute to our Chairman, Mr. O'Muircheartaigh, who steered our work so effectively.

I have much pleasure, on behalf of the Employers' group, in commending the report of the Committee and the instruments and resolutions contained therein to the Conference for adoption.

Mr. ORRELL (*Workers' delegate, United Kingdom; Vice-Chairman of the Committee on Convention and Recommendation No. 9*) — When asked how he coped with a spell in prison following the Exxon Valdez disaster where he faced charges of which he was subsequently cleared, Captain Hazelwood, the master of that ship, was reported to have replied that it had been no problem; as a seafarer he was used to unpleasant and cramped conditions shared with other people. A few centuries earlier, Samuel Johnson has said that going to sea was like being in a prison, with the added risk of being drowned.

At one stage in the 1994 preparatory meeting for this session of the Conference, I stressed that the sea is a dangerous place. I stressed that seafaring was a dangerous job. I pointed out that around 10,000 ships have been lost in the past 30 years and that it has been estimated that around 130,000 seafarers died in accidents at sea during the past ten years.

I now want to provide you with an update. Since we were here at the preparatory meeting in November 1994, there have been more than 180 ships of 500 gross tons or over confirmed as lost, totalling 1.2 million gross tons — 180 ships lost at sea since we all met here in November 1994. Since we were here in November 1994, over 1,200 lives have been lost at sea — 1,200 lives lost at sea. When I look around this room, I calculate it is about three times the number of people in this room — three times the number of people in this room whose lives have been lost at sea since we sat in a place similar to this in the ILO building in 1994. Indeed, the number of lives lost in the first six months of this year is more than double the total of the whole of last year.

The sea is a dangerous place and seafaring is a dangerous job. All of us in the industry know this to be the case; so why do we allow it to be made more dangerous.

The increased use of flag of convenience ships, the ease with which ship operators can avoid national and international safety regulations, the continued increase in the use of multinational crews, reduced manning levels, and cut-backs in training budgets all contribute to making the sea a more dangerous place and seafaring a more dangerous job.

However, here in this past two weeks, we have made an attempt to put some things right. In our Committee we have sought to provide an international instrument that will, when acted upon, address the real safety issues at sea: the hours of work and hours of rest of seafarers, and the manning of their ships. We all know that 80 per cent of all accidents at sea are attributed to human factors. I believe we all know too that those human factors are not solely related to the seafarers on board a ship. They also relate to the owners ashore who do not provide the proper resources for the seafarers to do their jobs. They also relate to those in classification societies who do not do their job and allow ships that should never go to sea to go to sea. They also relate to cargo owners who want what is cheapest but are not particular what ships their cargoes are put in. The lists go on.

Nevertheless, by addressing the seafarers' hours of work and rest on board, Convention No. 109 before you will, when acted upon, tackle the problems of overwork, under-rest and fatigue, and by so doing it will make a major contribution to maritime safety. However, to achieve this it will need to be ratified.

Of course there will be some Governments here that have no intention of ratifying this new Convention. That is but one reason why there has been concern at the possibility of port state control enforcement of obligations under Convention No. 109. Some Governments who have no intention of ratifying Convention No. 109 are understandably concerned that they may not be able to escape compliance if they sail their ships into the ports of member States who do ratify it.

The Seafarers' group in our Committee were encouraged by the views of shipowners and Governments on the Convention before you. There is a real belief that shipowners and Governments are sincere in their claims that they want to address the real safety issues: hours of work, rest and fatigue. There is a real belief that Governments will now at last, at long last, ratify Convention No. 109. And of course, where Governments do ratify the Convention in large numbers, the issue of port state control will only be of real concern to those who seek to operate at a competitive advantage by avoiding international rules and regulations. And it should remain a real concern to them because it is in everyone's interest, be it commercial, be it environmental or be it safety, that they are put out of business.

Today, more than ever before, we need ILO maritime Conventions. The situation in international shipping, with the demise of traditional maritime fleets and widespread deregulation, means that ILO Conventions are more and more not the international minimum standards that once were intended, but rather the actual standards being met by most of the industry, whether that be by developed fleets or developing fleets. It is this development among other things that makes the maritime industry so very different from others. It is imperative that maritime issues continue to be dealt with within the ILO by the special maritime machinery that currently exists and not by the regular sessions of the Conferences. Whilst

seafarers are well experienced in the effects of rigorous cost-cutting, it is imperative that separate Maritime Sessions such as the one that we engaged in these past two weeks are maintained so that important maritime topics are not dealt with by groups having little or no maritime experience but rather at a separate session with delegates such as those here, exclusively from countries with an interest in maritime affairs.

As I have said, the seafarers in the Committee on Convention and Recommendation No. 9 have a real belief that at last, at long last, we have achieved, by positive cooperation and flexibility in our discussions these past two weeks, a Convention that will be ratified. We urge all Governments who have clearly indicated support for it to vote for it tomorrow and, more importantly, to ratify it quickly. As we have said, ILO standards now have immediate impact. Please confirm your support for the safety of seafarers by ratifying Convention No. 109 as soon as possible.

Finally, the seafarers would like to thank all those who have serviced the Committee, including our colleagues within the Committee, our Chairman and my fellow Vice-Chairman, and in particular our ACTRAV representative, Ali Ibrahim. We commend Convention No. 109 and the Recommendation to the Conference.

Mr. O'MUIRCHEARTAIGH (*Government delegate, Ireland; Chairman of the Committee on Convention and Recommendation No. 109*) — This great Maritime Session of the Conference has been a major exercise in international cooperation and communication, particularly for the maritime sector. When I was dispatched by my Government as head of the Irish delegation, I was aware that Convention No. 109 had an unhappy history. Sixty years of endeavour to achieve the status of a Convention which had entered into force. However, when I was elected Chairman of the Committee that was given the task to scrutinize this, the magnitude and importance of the challenge was quickly clarified.

Another agency of the United Nations published a book some years ago on the development of international communications. It was entitled *Many voices, one word*. In the Committee on Convention and Recommendation No. 109 we had many voices and many opinions, but as time went on this became a strength and a source of ideas in the development of the instrument. At the end of 14 sessions it was possible for us to agree, for the first time in 60 years on a tripartite basis, on instruments relating to seafarers' hours of work, the manning of ships and wages, issues that are at the very core of the international shipping industry. Therefore we are proposing to this Conference a Convention concerning seafarers' hours of work and manning of ships and a Recommendation concerning seafarers' wages and hours of work and the manning of ships.

The fact that I can commend these instruments to the Conference with tripartite support is entirely due to the constructive and tolerant approach which the delegates on all sides took to the discussion. As I have already said, this enabled us to develop an improved and agreed instrument. There is only one world and we share it. The prospects of sharing it peacefully and prosperously are enhanced by our cooperation, and we believe it will be enhanced by the instruments which have emerged from our Committee.

I expressed my thanks to all the delegates and to those who made this achievement possible during the Committee, and I will not repeat them. But it would be remiss of me if I did not identify the factors which made this achievement special. I would particularly like to pay tribute to the role of my Vice-Chairmen, Mr. Lusted of the Employers' group and Mr. Orrell of the Workers' group. What was special about them was that they combined a loyalty to their legitimate interests with a clear commitment to the goals of this Conference, and at the same time an understanding of the benefits of international agreement. Of course without the help of the Clerk of the Conference, Madame de Warlincourt, and Mr. Ozaki and his staff, the proceedings of this Conference would not have got under way at all, much less borne fruit, so we must thank them too. And of course there was the Reporter of our Committee, Captain Holmes, who has spoken and who made clarity of some of our dialogue. And last, but certainly not least, we had the Chairperson of our working group on the Recommendation, Ms. Solling Olsen. I would also like to thank the President, Mr. Hubbard, who at critical junctures ensured the smooth coordination of the various committees and thereby ensured the best possible outcome to the work of this Conference. I believe that the work done here over the past fortnight will be recognized, if I may use a maritime simile, as a beacon, a lighthouse or a cardinal mark in the definition of the international consensus on minimum conditions for hours of work and manning, and it will help to provide a minimum moral and operational standard for remuneration of seafarers worldwide.

I consider it a particular honour for me and for my country to have chaired this important Committee and to have achieved such widespread support for its resulting report. There is an old Irish saying that people live in each other's shadows, that is to say they depend on one another. The sector we are dealing with today, the maritime sector, has bound mankind together since the dawn of time and it is the living expression of that principle of interdependence. The sector also of course binds together in an increasingly real sense the fate and welfare of employers, of seafarers and of governments. The fact that previous instruments dealing with hours of work, manning of ships and wages did not enjoy tripartite support has been noted, and we must ask why it has been different on this occasion. The consensus that has developed around the proposals developed in this Committee, will hopefully prove to be a watershed for seafarers, for employers and for governments, and will define and delineate a basic criterion for seafarers' welfare and for an efficient shipping industry worldwide and, by extension, for effective trade and a clean environment. I have only time to mention the three principal reasons why I believe that agreement has been achieved on this occasion. First, and perhaps most important, there was a growing understanding between the social partners in this Committee that the welfare of seafarers and the prosperity of employers and shipowners can be advanced together and are essentially interdependent. There is a new word that revolves and rotates around the European Union and it is "co-responsibility"; and the proceedings of this Committee widely reflected that understanding. Secondly, there was the manifest awareness of Government delegates, of the positive potential of a widely supported ILO Convention for seafarers for the shipping industry and for social partnerships in their respective countries. Lastly, I think

the findings of this Committee mark a worldwide concern to reflect and define minimum standards for seafarers and for responsible shipping internationally.

And so at last, after 60 years, there is a proposed ILO Convention concerning seafarers' hours of work and the manning of ships and a Recommendation concerning seafarers' wages and hours of work and the manning of ships that have been adopted by the ILO Committee chaired by me and to which this task was delegated. What is special on this occasion is that these instruments have been adopted in Committee with broad tripartite support of Employers' and Workers' groups and of the Governments delegates. This is our achievement in our Committee, and we entrust it with confidence and pride to this plenary assembly for your endorsement.

The PRESIDENT — At this point I am going to interrupt our proceedings so that Mr. Michel Hansenne, the Secretary-General of the Conference and Director-General of the ILO, can make his statement to the Conference.

STATEMENT BY THE DIRECTOR-GENERAL

Original French: The DIRECTOR-GENERAL — The work of this 84th Maritime Session of the International Labour Conference is drawing to its conclusion. Allow me, therefore, to try and put your debates into context, in the light of the outstanding developments that have occurred in the maritime sector during this century.

Following the shock to public opinion caused by the wreck of the *Titanic*, the question of safety at sea became vital, and international organizations at the time — such as the Intergovernmental Maritime Consultative Organisation, the predecessor of the IMO, and the ILO after 1919 — duly gave it their attention. The competent organizations have been called upon regularly to redefine the criteria of safety at sea so as to respond to technological progress and to the needs of the people concerned.

Since that time, our vision of the sea has changed. Previously, it was perceived essentially as a means of communication, but now it encompasses new spheres of economic activity and scientific research. In 1973, under the aegis of the IMO, the concept of the marine environment came into being, and the need to respect and protect this environment and those who are active in it became apparent.

As was noted by a Workers' spokesperson, this marine environment is hostile. The dangers to which shipowners and governments are exposed are financial or political in nature, but seafarers are exposed to physical risks which threaten their very lives. It has, for example, been emphasized that since the last tripartite meeting of 1994, 180 ships of more than 500 tons have been lost at sea, causing the death of 1,200 seafarers and many passengers. In the first six months of 1996, twice as many human lives were lost at sea than in the whole of 1995.

Aware of the harshness of working and living conditions for seafarers, which are aggravated by distance from their homes during long periods of time, the ILO has considered from its inception that the formulation of maritime labour standards is a priority. Working conditions for seafarers have of course improved since the beginning of the century, largely thanks to these standards, but a great

deal remains to be done. More than a quarter of the Conventions adopted during the first ten years of the ILO's existence concerned the shipping sector, thus reflecting the particular importance attached to this sector at the time as a means of transport of goods and persons. Though its relative weight within the ILO has changed, the maritime sector is still very important, as can be seen from the fact that, by the end of this session, no fewer than 13 maritime instruments will have been adopted by the Conference in 1987 and 1996.

Over the past 25 years the shipping and working conditions of seafarers have completely changed. Closely linked to world trade, shipping has felt the backlash of the economic problems of the 1970s and 1980s. After steady growth for 50 years, several branches of maritime navigation found they had excess capacity. The sector has adapted and restructured; the size and composition of fleets has changed; there have been rapid advances in technology; and new management methods have come into being. As the President of the Governing Body mentioned at the inaugural session, since the last Maritime Session of the Conference we have witnessed various phenomena such as the steady transfer of tonnage to international ships' registers or free registration registers. These and other factors, such as the multiplication of placement agencies, have contributed to making the legal and economic framework of the shipping sector ever more complex.

The work of this Conference can also be seen against the framework of the adoption by other United Nations bodies of instruments that have a direct or indirect impact on the living and working conditions of seafarers. Here it will suffice for me to mention two which have had an influence on your work: the United Nations Convention on the Law of the Sea of 1982, and the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers. The work of the International Maritime Organisation and that of the ILO is complementary and mutually enriching. Like all of you, I sincerely hope that the collaboration between these two organizations continues.

Judging from what I have heard about the work of the Committees, all the delegations have shown a remarkable desire to engage in tripartite dialogue which is the cornerstone of the ILO's work. To be sure, your discussions have been lengthy and even difficult; sometimes they have continued late into the night but, thanks to the spirit of conciliation which you have all shown, they have for the most part resulted in acceptable compromises. As the President of the Governing Body hoped, your discussions have been held in a spirit of cordiality, understanding and mutual respect and have not been disrupted by superfluous political controversies. In short, the participants have never lost sight of the essential objective, that of improving the living and working conditions of seafarers.

Your work has been fruitful since the various Committees have prepared one Protocol, three Conventions and three Recommendations. When they have been adopted, these instruments will bring up to 39 the number of Conventions, and up to 30 the number of Recommendations, establishing international labour standards in the maritime sector.

The rapporteurs have started presenting the work of the three Committees and the instruments submitted to the plenary. Allow me just to highlight one or two salient features of your discussions.

First of all, the Committee entrusted with the revision of the Labour Inspection (Seamen) Recommendation (No. 28), has adopted a text containing provisions comparable to those of other instruments of the ILO on labour inspection, together with new provisions considered by your delegations to be better suited to the specific nature of the shipping industry and the living and working conditions of seafarers. The future will show how efficient is the system adopted in the Convention, i.e. that of a central authority coordinating inspection, establishing principles to be respected and assuming the responsibility for inspection, but able to authorize public institutions or other organizations whose competence and independence are known to it to act on its behalf in carrying out such inspections. In the view of the Committee, the particular nature and international aspects of maritime employment justify the choice of such a system of inspection. The same Committee has adopted a Protocol containing a Supplementary Appendix extending the list of Conventions — some of which are obligatory, others optional — for which member States undertake to apply the criteria of substantial equivalence contained in Convention No. 147.

On the revision of the instruments on wages, hours of work and manning, (Convention and Recommendation No. 109), the Committee has adopted important provisions aimed at avoiding excessive workloads which give rise to fatigue, often considered as a cause of accidents at sea and as being harmful to the health of seafarers. The Committee has put forward a text offering an alternative; either daily and weekly limits for working hours, or else a minimal length of daily or weekly rest. The provision which is at the core of the new Convention was adopted without opposition after arduous negotiations in which all parties managed to make the necessary compromises to bring about a result which should broadly facilitate the ratification and entry into force of this Convention. The Committee seems to have found a fair balance between the prevention of abusive working conditions and the existence of a flexible and viable system, as was hoped for by the Employers' spokesperson. Let us hope that this fifth attempt will make it possible to bring about concrete results in a speedy manner. As to the revised Recommendation No. 109, this too is the fruit of a negotiated compromise and contains clarifications and advice for the negotiation of wages between shipowners and seafarers. It is based on the protection and principles embodied in other ILO instruments on wages, while taking into account the specific nature of the maritime sector.

Finally, on the question of the placing and recruitment of seamen (revision of Convention No. 9), the objective was to create a better framework in a sector where the traditional parameters for labour relations are difficult to apply. The proposed texts attain this objective by establishing a code of conduct to be respected in the recruitment and placement of seafarers. The Recommendation in particular may serve as a guide for the rules of good conduct in this respect. The new Convention opens up the possibility for member States of establishing private recruitment and placement services but at the same time provides for a system of safeguards to avoid abuses. The Committee also dealt with two particularly serious problems: the situation of seafarers abandoned in foreign ports, and their compensation for financial losses suffered when placement or recruitment agencies do not fulfil their obligations.

The various Committees have adopted a number of resolutions which have direct implications for the ILO's programme of work, such as the preparation of guidelines and of a uniform model as foreseen under the Wages, Hours of Work and Manning Convention, and the revision of the guidelines on the inspection of working conditions on board ships. Moreover, one of the resolutions calls for the convening of a tripartite meeting for the fisheries sector so as to establish which other maritime instruments should be applied to this sector.

The outcome of your proceeding is thus impressive from all points of view.

I am particularly glad that this is so because the holding of this session of the Conference was hampered by the financial difficulties besetting our Organization, which almost caused it to be postponed till after 1996. You have seen, too, that these financial difficulties have meant that we have had to modify the material arrangements for the Conference, as is the case also for the annual session and the regional conferences. There was no Resolutions Committee, no general report was submitted for discussion in plenary, and the work of your Conference was based on reports that were prepared not following a preparatory session of the Maritime Conference as was the case in the past but following a tripartite meeting on maritime labour standards held in November–December 1994. This method of proceedings seems to have been satisfactory, but we will probably need to let a certain amount of time pass so as to see better how efficient it is compared to the previous procedure.

If this Conference has been held in spite of the financial constraints faced by the ILO and if it has been able to conclude its work so successfully, it is because the maritime sector has shown itself to be dynamic and because the social partners have shown an uncommon spirit of conciliation. I am convinced that they will make use of these qualities to ensure speedy ratification by a large number of countries of the instruments approved by your Conference. This would certainly be the best possible proof of the usefulness of this Conference and the best argument for holding a further Maritime Session of the Conference in the years to come. Meanwhile, we will have to see how best we can organize our work to make it more effective and less costly and to enable a larger number of delegations to participate on a tripartite basis in our future work.

The PRESIDENT — Thank you Mr. Hansenne. We have all listened to your observations with a great deal of interest and we have taken note of your comments. We are particularly encouraged — and I think I speak on behalf of everyone at the Conference — by your predictions for the continuing work of the maritime sector in the ILO. On that note I thank you very much for addressing us today.

REPORT OF THE COMMITTEE ON CONVENTION AND RECOMMENDATION NO. 109: DISCUSSION

The PRESIDENT — We shall now proceed to the general discussion of the report.

Original Spanish: Mr. LARROSA (*Workers' delegate, Uruguay*) — With respect to the report on this Convention, we would like to say that our

expectations have not been satisfied. Basically, the workers of Latin America do understand that that situation varies from one continent to another with respect to the whole question of the defence of our human and workers' rights. We are aware that the minimum standards that have been decided upon at this session of the Conference are extremely positive, but we think that it is necessary to state that the reality is quite different. We thought that commercial maritime fishing was going to be included, inasmuch as we believe that there is no difference between workers in commercial fishing and other seafarers because the others are doing the same task. Some are simply doing a bit more than just fishing.

We believe that the Convention and the resolutions should mention commercial maritime fishing, fishing-vessel owners and fishermen and lay down standards and rules to protect workers on fishing vessels, who at present are marginalized and unprotected.

My country, for example, has very serious problems with manning. There are ships where people work in engine-rooms up to 14 or 18 hours a day. And there are cabin boys who are doing professional and skilled jobs, working for countless hours. This is not normal, as they take the jobs away from professional seafarers. And all this at a time when there is enormous unemployment, as in many other parts of the world.

We have a problem which is fundamental. The International Labour Conference has laid down rules for the functioning of joint and tripartite committees, and yet my country has had no tripartite committee with worker participation for years. The tripartite committee that exists operates at the National Naval Prefecture, which is part of the Ministry of Defence, whereas, as civilians, we have to be under the civilian authority of the relevant Ministry. In other words, there is no registration and no labour exchange. For this reason we would like the ILO to take the necessary measures to ensure that my Government gets the tripartite commissions working. The National Naval Prefecture, we realize, has its own commitments, and it is normal that it should be given the necessary facilities and resources as the maritime port and shipping police, but anything that has strictly to do with labour standards, registration, labour exchanges, etc., must be outside of the military framework; in other words, it must be under the civilian authority of the competent Ministry.

With respect to the fishing sector, Decree No. 15523 was issued under the *de facto* Government which limits the hours of work for fishermen, bans overtime and denies them compensation for dismissal. In other words, it curtailed fishermen's rights. A conference of the fishing industry therefore needs to be held as soon as possible to establish minimum standards that would ensure better living conditions for our fishermen and given them some protection.

This is the situation in other Latin American countries as well as ours. As I said, the reality is very different from what one imagines. We have to get rid of flags of convenience, where workers often are not paid their allowances, or do not receive their salaries, and so on. This is another question which has to be dealt with by this Conference and in this International Labour Organization.

We would like to congratulate all the delegations for the great effort that they and the Officers of the Conference have made to reach a consensus on minimum standards for security and to ensure that they are applied. I hope that our own legislation, in so far as our Constitution permits, will conform to the text that

have been drafted. We too have minimum standards in our legislation, but they are not necessarily positive from the point of view of the workers.

We hope that this Organization will continue to work with the same enthusiasm and passion as in the past. And I hope that all the delegations will continue to discuss and to establish minimum standards for the defence of the maritime workers in general. I congratulate the Officers and all the people who have participated in this Conference.

Original Arabic: Mr. DERBI (Government delegate, Libyan Arab Jamahiriya)

— At the very outset I wish to congratulate you personally, Mr. President, on your election as President of this Conference. I wish also to extend my congratulations to the Chairman of the Committee on Convention and Recommendation No. 109, which was very efficient in doing its business. He and his colleagues, the Vice-Chairmen, steered their ship through very high seas and very deep oceans and encountered a lot of difficulties and dangers. But thanks to the cooperation of all the Members, who were very anxious to have a good working environment and to improve the situation of seafarers, as regards their hours of work and wages, they succeeded. We in the Libyan Arab Jamahiriya were also anxious to achieve this objective because we know how much seafarers and ships mean to us — they mean the transport of passengers and cargo and everything we need from abroad, particularly since the ban imposed on us by the United States. The Chairman and the Vice-Chairman, in cooperation with everyone else, were able to guide the ship and to achieve the desired result: a Recommendation on hours of work and wages.

However, in spite of the cooperation of all, this Convention and Recommendation cannot satisfy everybody. Hence the delegation of the Libyan Arab Jamahiriya has a few observations to make particularly on the report of the Committee in *Provisional Record* No. 6. We are unhappy about this report because it does not take up a few of the points relating to the Convention and Recommendation that were raised by certain delegations. The report mentions the interventions of some countries, very succinct, among them my own, so succinctly that they have lost their meaning. For example, on the subject of Article 5 (paragraphs 101-116 of the report), the Committee discussed the question of the use of language in the different records on the ship and arrived at a consensus; and yet the discussions and deliberations of the Committee on this point are not mentioned at all in the report. This was mentioned when adopting the report on 19 October, and the Chairman drew the Committee's attention to the fact that the delegations had discussed this question of language, and that the report should be corrected. But the Chairman's instruction was ignored for some reason. I do not know the reason. Each one of us can imagine this reason he wishes.

Also, the report does not mention all the discussions that took place during the meeting. We put before the Committee certain issues related to Paragraph 10 of the Recommendation concerning minimum wage. There was agreement in the Committee to insert "the equivalent of" before "US\$385". This addition was adopted, as mentioned in paragraph 279, but while preparing the text it was left aside for reasons that are not quite convincing.

What I want to say here is that, when we agree in the Committee to add something and then at the drafting stage it is deleted, this is not in accordance with the rules and regulations of the Organization. It is a dangerous precedent, and something that is not appreciated within this Organization that has a long experience in forming and establishing committees according to article 17.1 of the Constitution. This is a basic principle and it should not be violated by any committee — either drafting or other — because nothing can be deleted after it has been agreed upon and after very long and exhaustive discussion in the Committee. Therefore, in the light of these observations, I cannot endorse this report as it appears in an incorrect form.

The PRESIDENT — If there are no other speakers, the general discussion of the report is closed. We shall take up the adoption of the report and the instruments at the next sitting.

(The Conference adjourned at 1.15 p.m.)

Third sitting

Monday, 21 October 1996, 3 p.m.

President: Mr. Hubbard

**REPORT OF THE COMMITTEE ON CONVENTION AND
RECOMMENDATION No. 109: ADOPTION**

The PRESIDENT — This morning we heard the Reporter of the Committee on Convention and Recommendation No. 109 present the Committee's report, followed by a general discussion. We now move on to the adoption of the body of that report, paragraphs 1 to 313. If there are no objections, I shall take it that the report is adopted.

(The report is adopted — paragraphs 1 to 313.)

**RESOLUTION ON THE APPLICATION OF THE SEAFARERS' HOURS OF WORK
AND THE MANNING OF SHIPS CONVENTION, 1996: ADOPTION**

The PRESIDENT — We can proceed to the adoption of resolution on the application of the Seafarers' Hours of Work and the Manning of Ships Convention, 1996. Again, if there are no objections, I shall take it that the resolution is adopted.

(The resolution is adopted.)

**RESOLUTION CONCERNING THE IMO/STCW CONVENTION OF 1978, AS
AMENDED, AND THE APPLICATION OF THE SEAFARERS' HOURS OF WORK
AND THE MANNING OF SHIPS CONVENTION, 1996: ADOPTION**

The PRESIDENT — So now we can proceed to the adoption of the resolution concerning the IMO/STCW Convention of 1978, as amended, and the application

of the Seafarers' Hours of Work and the Manning of Ships Convention, 1996. If there are no objections, I take it that the resolution is adopted.

(The resolution is adopted.)

PROPOSED CONVENTION CONCERNING SEAFARERS' HOURS OF WORK
AND THE MANNING OF SHIPS: ADOPTION

The PRESIDENT — We now come to the adoption of the text of the proposed Convention concerning seafarers' hours of work and the manning of ships. We shall proceed by adopting the text of the proposed Convention Part by Part, beginning with the Preamble.

(The Preamble and Parts I to VI, Articles 1 to 17, are adopted seriatim.)

May I take it, then, that the text of the proposed Convention as a whole is adopted?

(The proposed Convention as a whole is adopted.)

PROPOSED RECOMMENDATION CONCERNING SEAFARERS' WAGES,
HOURS OF WORK AND THE MANNING OF SHIPS: ADOPTION

The PRESIDENT — We now move to the text of the proposed Recommendation concerning seafarers' wages, hours of work and the manning of ships, which we shall again adopt Part by Part, beginning with the Preamble.

(The Preamble and Parts I to IV, Paragraphs 1 to 12, are adopted seriatim.)

May I take it that the text of the proposed Recommendation as a whole is adopted?

(The proposed Recommendation as a whole is adopted.)

In accordance with paragraph 7 of article 40 of the Conference Standing Orders, the provisions of the proposed Convention and Recommendation will be submitted to the Conference Drafting Committee for the preparation of the final texts.

We have now concluded the consideration of the report, the proposed Convention and Recommendation, as well as the resolutions submitted to us by the Committee on Convention and Recommendation No. 109.

On that note then I would like to conclude by thanking the Officers and members of the Committee, as well as the staff of the secretariat, for the excellent work that they have done.

FIRST REPORT OF THE COMMITTEE ON RECOMMENDATION NO. 28
AND CONVENTION NO. 147: SUBMISSION, DISCUSSION AND ADOPTION

The PRESIDENT — We now move on to the examination of the first report of the Committee on Recommendation No. 28 and Convention No. 147.

I call on Mr. Hamilton, as Reporter, to submit the first report of the Committee, contained in *Provisional Record* No. 4, concerning the revision of the Labour Inspection (Seamen) Recommendation, 1926 (No. 28).

Mr. HAMILTON (*Government delegate, United Kingdom; Reporter of the Committee on Recommendation No. 28 and Convention No. 147*) — It has been my honour and privilege to serve as Reporter of the Committee on the revision of the labour inspection Recommendation that concerns seafarers' working and living conditions.

Since its adoption in 1926, the Recommendation has proved a very useful guide to assist countries in the institution or reorganization of their system of inspection of seafarers' working and living conditions.

In view of the vast changes that have taken place in the maritime industry over the years, there have been calls for the text of the Recommendation to be revised to reflect the growing importance that the international maritime community attaches to eliminating the operation of ships that are substandard in terms of general safety or crew conditions.

At the 1994 preparatory meeting a great deal of work was done to produce a draft text that would be a suitable basis for the deliberations of this Conference. The Committee has further refined the text to reflect the wishes of the delegates and create acceptable instruments that will be of considerable use in the quest for the improvement of seafarers' working and living conditions. It is proposed that the instruments will take the form of a Convention and a Recommendation.

The Convention lays down the broad outline of an effective system for the inspection of seafarers' working and living conditions. The list of conditions subject to inspection goes further than that specified to ensure safety under the Safety of Life at Sea Convention in that it also encompasses important social aspects of the lives of seafarers.

It was originally envisaged that inspections would take place annually, but this proved impracticable for some governments as many of the vessels flying their flags do not regularly visit their national ports. In the spirit of compromise, an acceptable solution was agreed whereby inspections are to be undertaken at intervals not exceeding three years and, where practicable, annually.

The inspectors are to be given considerable powers to carry out their duties and to ensure that remedial measures are undertaken. Although the delegation of inspection to other bodies is permitted, at all times the responsibility for the inspectors and the actions of the inspectors will remain with the national administration.

Following each inspection, one copy of the report is to be given to the master and another posted on the ship's notice-board for the information of the crew or sent to their representatives so that all concerned are aware of any deficiencies.

The administration is required to maintain records of inspections and publish an annual report which includes a list of those organizations authorized to carry out inspections on its behalf.

As in the 1994 preparatory meeting, there was considerable debate as to whether the proposed new Convention should be for flag state implementation only or also considered in the light of port state control. The seafarers and some government delegates were very strongly in favour of a port state option as they felt that this was essential to bring about a realistic improvement in seafarers' working and living conditions. The shipowners and some other government delegates were of the view that port state control in this context would be totally impractical. Because of the divergence of opinions, it was considered necessary to examine the parameters of application of the proposed Convention and a vote was taken. The Committee voted in favour of a reference being placed in the Preamble that the proposed Convention should be considered for flag state implementation only.

The Committee also considered and amended the proposed Recommendation, which is now submitted to the Conference and contains the detailed information that the Committee considers appropriate for a high quality system of inspection of seafarers' living and working conditions.

This report concerns two instruments that will be of the greatest importance to those seafarers suffering the worst deprivations. I commend the report to the Conference.

Mr. COX (*Employers' delegate, United States; Vice-Chairman of the Committee on Recommendation No. 28 and Convention No. 147*) — I am very pleased to speak to you concerning the work our Committee did on Recommendation No. 28 and Convention No. 147. We developed Recommendation No. 28 into two instruments — a draft Convention and a new draft Recommendation. With respect to Convention No. 147, we developed a Protocol adding required Conventions and other Conventions which may be in force by the members. We understand this is a new approach — this Protocol — new to the ILO system. In our spare time, as a committee we were able to develop a resolution suggesting further development of the ILO maritime labour inspection guidelines.

I certainly recommend these instruments for your positive consideration tomorrow. I can assure you that the members of this Committee of this Conference are a very tired group of people. From my personal perspective it is, however, a good type of tiredness which results from a job well done.

We in the maritime industry are a unique group. At times those from the outside ranks cannot seem to understand us. They say we do not necessarily know our right from our left. I think we do, only we call it starboard and port. Most industries have unique phrases, although I would challenge anyone to show me an industry with a more universal understanding of itself.

Government members here should not misinterpret how we shipowners and seafarers speak about our industry. We shipowners control an asset — the ship — which would not function without the seafarer. I can attest that our debates with seafarers about the extent of our mutual obligations are extensive and at times acrimonious but always with a mutually agreed end-point. We must have each

others' support or we would not be a functioning industry. And we must have the government's involvement. There are really two types of government here today, or I should say that most of you are two in one. This is based on the single aspect of the maritime industry which differentiates it from all other industries; that is, that a ship flying the flag of its sovereign flag State transports itself — which is the living and workplace of the seafarers on board — into the waters of another sovereign State's jurisdiction — a port of that State which under international law has the right to exercise a certain authority over the ship.

Do we need the ILO? Our problems are largely pragmatic, so we seek fora within which we can discuss them and resolve them. We may not be conversant with the larger political questions debated in this Office, but we are aware that our specific labour questions can be debated freely and resolved here. We appreciate that opportunity. Further, the flag state governments can participate with the port state governments on what are the appropriate roles for each.

I believe we have accomplished the unbelievable these past two weeks. We have addressed the concerns of shipowners, seafarers and flag state and port state governments participating in the Committee. We have also addressed the concerns of our colleagues in another committee. Now it is for the Government representatives here to take action. We have done our job here and I urge you to take these documents home and into your ratification processes as soon as is practicable. Good luck, and if any of you need any guidance on accomplishing the very difficult, the members of our Committee are available for consultation.

I will close by saying some very important words about my colleagues on this Committee. Our Chairman, Mr. De Bruijn from the Netherlands, was effective and took necessary action to alleviate fractious developments and always with an interesting sense of humour. Mr. Courdouan, Mr. Oates and Mrs. Oakley, and the ILO staff who worked with them in this process, showed the highest level of professionalism and they are a credit to the Organization. I must say that when we started they did not have a great deal of experience with the maritime industry. I think we put a little salt in their hair during these last two weeks.

Finally, I want specifically to thank the seafarers' main spokesman, Mr. Jean-Yves Legouas. He is a consummate professional and the seafarers are fortunate to be gaining his full time and effort. Good luck to you, Jean-Yves, in your new endeavours. And, finally, thank you for listening to me. It has really been a pleasure.

Original French: Mr. LEGOUAS (Workers' delegate, France; Vice-Chairman of the Committee on Recommendation No. 28 and Convention No. 147) — After many long days of work the time has come for all the participants of this Conference and in particular for the workers of this Committee, which it is my honour to represent, to take stock and examine the accounts. There are several types of accounts, that of amendments won or lost, that of genuine progress, and lost opportunities and, finally, that of one's friends ... and the others. The work of the Committee on Recommendation No. 28 was in a sense very revealing, and I would like straight away to say that while we did see some progress we do not find this instrument entirely satisfactory. Undoubtedly this may well be due to my lack of talent — a criticism which I accept — but it does seem to me, regrettably, that there is much more to the matter than that. The two fundamental points that

were lost in this Convention was the lack of a mandatory annual inspection and, above all, the limiting of inspections to the flag State. As a result of this, many seafarers are going to continue to live in wretched conditions aboard leaky rust buckets that can barely float. This is a shame, and the root of this shame is to be found in the attitude of some governments which, though they often make sure their own vessels are run quite decently, nevertheless support others of which the flag authorities are distressingly unscrupulous. This attitude on the part of these governments stems from their conviction that they have created a paradise that cannot be exported. I really believe, however, that there may well be another explanation, namely the absolute need in a climate of ultra-liberalism to have flags of convenience where exploitation of human beings is a rule and where one squeamishly shuts one's eyes — unless one has to hold one's nose — because, of course, there are all those economic constraints.

As you can see, I have not come here to give out high marks to those whom I regard as bad pupils. Nevertheless there is no reason for me not to award prizes to all of those who helped us: to begin with, to the representatives of those governments which with talent, quite often with conviction and always with their heart, set forth positions similar to those of the workers, as did those shipowners worthy of the name.

Next amongst those whom I wish to thank I would mention the Office and its hard-working staff who, using just the right touch, manage to create the necessary meeting of minds and synergy. Jean Maninat is one of these, although he was always at our side, and that is why the revision of the other instrument on the programme of our Committee, Convention No. 147, through its Protocol was a success. And on this point, recognizing the difference between what is desirable, feasible and acceptable, we sincerely believe that as a whole the work was for the most part generally exemplary. We have come up with an instrument that is revitalized, effective and, we believe, one that can be ratified by many States. Thanks to this Protocol, inspections of vessels will be more effective and seafarers better protected, including with respect to their working hours and hours of rest. We have also managed to include in the Preamble wording taken from Convention No. 111 on discrimination in the workplace, and I believe that everyone here can be congratulated for this symbolic and hopeful gesture. In this respect it would be good to think of calling a future session of the Conference to update Convention No. 133.

This, then, is how we Workers view the 17 days of our Committee. It would be very unfair on my part not to stress the smiling and unceasing effectiveness of Rob de Bruijn, our Chairman. He has given unstintingly and today I would like to thank him. And what can I say about Joe Cox, except that he is a man of honour, a sincere friend and a real fighter. And I would like to extend my sincere compliments to you too, Mr. President, for your genuine talents and great competence as a diplomat. I would also like to thank the interpreters and translators who are often put to the test — but I know that they won't have any difficulties in interpreting my words of appreciation in the various ILO languages.

And finally, I would like to thank the members of my group, the seafarers. I want them to know how much a smile, a kind word on their part helped me to forget the tiredness resulting from the discussions. The secretariat of the ITF gave us some very welcome support — and I am not just talking about the cocktail

party last week! And, lastly, I would like to thank my two close collaborators, Thomas Tay, whose humour is equalled only by his competence and kindness, and of course Peter McEwen, my alter ego, with whom I share more than just a few physical similarities.

Before I conclude this statement, may I, speaking on behalf of the Workers of my group, ask you to bring all your influence to bear so that in the not too distant future we can return here to Geneva for a new, necessary and welcome Maritime Session of the International Labour Conference.

If on the first day of creation the Lord blew upon the primordial waters, I believe that he also blew upon the waters of Lake Lemman (as well as the hillside where we found ourselves) during these last two weeks. May he continue to do so for a long time to come.

Mr. DE BRUIJN (*Government adviser, Netherlands; Chairman of the Committee on Recommendation No. 28 and Convention No. 147*) — I have the honour to be addressing you as your elected Chairman of the Committee on Recommendation No. 28 and Convention No. 147. Thank you for that trust put into me and into the Kingdom of the Netherlands. I want to keep my statement short, since the Reporter only made his report on Recommendation No. 28. He will speak again on Convention No. 147, and then I shall be the final speaker. Meanwhile, thank you, Mr. Cox and Mr. Legouas, very much for the beautiful words you have said about the Committee.

Mr. Leo Palma said that he was amazed because, as far as he was concerned, this was the very first time Government delegates got together to exchange ideas. I was quite surprised by this, being new in the business. I found that in our Committee the Government delegates did indeed work together. I am thinking especially of Mr. Day, who coordinated the Government delegates, all of whom worked together in the right spirit of positive cooperation. There was no fighting in our Committee. Of course there was arguing, since there were three parties involved, but it was all positive.

I, as Chairman, and the two Chairmen were working on behalf of all seafarers, on our own behalf. And since this is how everyone felt, we only once needed a little working group and a vote and that was all it needed to achieve a text that could be adopted.

I think the proposed Convention will be very acceptable to most of us, and I sincerely hope that you will all adopt it.

The PRESIDENT — The floor is now open for the general discussion on this first report. If there are no speakers, we can move to the adoption of the body of the first report, paragraphs 1 to 337. If there are no objections, I shall take it that the first report is adopted.

(The report is adopted.)

PROPOSED CONVENTION CONCERNING THE INSPECTION OF
SEAFARERS' WORKING AND LIVING CONDITIONS: ADOPTION

The PRESIDENT — We now move on to the adoption of the proposed Convention concerning the inspection of seafarers' working and living conditions, Part by Part, beginning with the Preamble.

(The Preamble and Parts I to V, Articles 1 to 10, are adopted seriatim.)

May I take it that the text of the proposed Convention as a whole is adopted?

(The proposed Convention as a whole is adopted.)

PROPOSED RECOMMENDATION CONCERNING THE INSPECTION OF
SEAFARERS' WORKING AND LIVING CONDITIONS: ADOPTION

The PRESIDENT — We now proceed to adopt the proposed Recommendation concerning the inspection of seafarers' working and living conditions, Part by Part, beginning with the Preamble.

(The Preamble and Parts I to IV, Paragraphs 1 to 17, are adopted seriatim.)

May I take it that the proposed Recommendation as a whole is adopted.

(The proposed Recommendation as a whole is adopted.)

In accordance with paragraph 7 of article 40 of the Conference Standing Orders, the provisions of the proposed Convention and Recommendation will be submitted to the Conference Drafting Committee for the preparation of the final text.

SECOND REPORT OF THE COMMITTEE ON RECOMMENDATION NO. 28
AND CONVENTION NO. 147: SUBMISSION, DISCUSSION AND ADOPTION

The PRESIDENT — We now proceed to the consideration and adoption of the Committee's second report on the partial revision of the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147), which you will find in *Provisional Record* No. 5. I again give the floor to Mr. Hamilton, Reporter of the Committee, to submit the second report.

Mr. HAMILTON (*Government delegate, United Kingdom; Reporter of the Committee on Recommendation No. 28 and Convention No. 147*) — It has also been my honour and privilege to serve as the Reporter of the Committee which considered the partial revision of the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147). Convention No. 147 is the most far-reaching and successful of the ILO's maritime Conventions. Although primarily a flag state instrument, it also contains provision to enable port States to take the necessary measures to rectify those conditions on board foreign flag ships within their

introduced through Convention No. 147, has proved the most effective weapon currently available with which maritime nations can fight the battle against substandard ships.

Convention No. 147 has an appendix which contains a list of Conventions that a Member that accepts Convention No. 147 agrees to implement or on which it agrees to have substantially equivalent measures in place. It has long been recognized that the list of Conventions in the appendix needs revision and expansion in the light of the changes taking place in the maritime industry. Our Committee was called upon to examine the partial revision of Convention No. 147. It was proposed that the most effective way to achieve such a revision would be to adopt a Protocol to Convention No. 147, with a supplementary appendix containing the list of Conventions that the Committee deemed appropriate. The 1994 preparatory meeting proposed that the supplementary appendix should contain six Conventions and that any Member that ratified the Protocol would be able to choose which one or more Conventions it accepted. At this session the shipowners and seafarers decided that they would prefer to remove the concept of choice and have mandatory application of all Conventions in the supplementary appendix. This would remove any doubt as to the minimum obligations of member States. Most government delegates preferred the choice proposed in the Office's draft text, as this flexibility would permit the maximum possible number of ratifications. Following considerable debate, the Committee agreed that the supplementary appendix should have two parts. Part A would contain two compulsory instruments, the Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133), which is already in force, and the new Seafarers' Hours of Work and Manning of Ships Convention, 1996, which will become mandatory as soon as it comes into force. It was felt that those in Part A could also be monitored by port state control. Part B would contain four optional Conventions dealing with seafarers' identity documents, workers' representatives, health protection and medical care, and repatriation. Whilst recognizing that the Conventions in Part B are of great importance, it was felt that they could only be controlled effectively by the flag States concerned. In order to facilitate inspection procedures, the Committee has submitted a resolution inviting the Governing Body of the ILO to request the Director-General to make proposals for a further Meeting of Experts to review the current labour inspection guidelines in the light of the instruments that will emerge from this Conference. This draft resolution appears at the end of the Committee's second report.

Throughout all the work of the Committee, we have fully appreciated the effort, time and overtime put in by the highly efficient and competent secretariat, in particular Mrs. Oakley, Mr. Courdouan, Mr. Oates, Mr. von Richthofen, Mrs. Zabolai-Csekme and the interpreters. That this Committee has been able to conclude its business within the allotted time is due, in no small measure, to the dedication and goodwill of the Officers of the Committee — the Chairman, Mr. Rob De Bruijn, the Vice-Chairman for the seafarers, Mr. Jean-Yves Legouas, and the Vice-Chairman for the shipowners, Mr. Joseph Cox.

The discussions took place in an atmosphere of goodwill combined with full and frank exchanges. Although some exchanges were fuller and franker than others, there was genuine determination by all concerned to reach a satisfactory conclusion. When our Chairman, Mr. Rob De Bruijn, reports back to his Minister

in the Government of the Netherlands, I feel sure that she will be pleased to know that, although Rob cannot be accused of having the most gentle bedside manner, he has assisted very ably in the delivery of the latest ILO babies, with only 14 days of labour, very little pushing, but an understandable amount of gas and air.

This report concerns the partial revision of Convention No. 147 and as such is of the greatest importance in our efforts to raise the minimum standards of safety and health as applied to seafarers. I commend the report to the Conference.

Mr. COX (*Employers' delegate, United States; Vice-Chairman of the Committee on Recommendation No. 28 and Convention No. 147*) — I really think that there are some serious comments that have to be made about Convention No. 147, and I made them in our debate to a certain extent. However, they were not fully explained, and I will now take the opportunity to do so.

In 1994 we came up with a process of amending Convention No. 147 through a Protocol and we all walked out of this building with the expectation that that would be in the form of an optional, flexible, "pick-or-choose" annex — this is all descriptive terminology that I have heard applied to this idea that we had in 1994. The shipowners came into this building for this two-week meeting and we made a substantive alteration to the decision that we had made in 1994, wherein we said that we would accept only a required annex. We expected to be accused of backing out on a deal that we had made. However, I will take the opportunity to say that the only thing worse than making a mistake is to make the same mistake twice and we were not going to do that. So we came in here with the expectation to argue our point and our point was simple. Convention No. 147 has evolved into essentially what is called in my phraseology "a bill of rights for the seafarer". Like other bills of rights, it should be simple, understandable by all, and contain minimum standards with which all agree to comply. We find that, with the optional annex, some of the important criteria of a bill of rights are missing. We tried to make our arguments in Committee the best way we could and I think we did, but we were not totally successful in that endeavour. We now have an optional annex of four instruments and a required annex with two instruments. It is still my personal opinion — and will remain so — that those four instruments which are presently optional are basic rights which should be required for all and by all governments. And I can ensure you that when I return to my home country am going to petition my Government to consider ratification of those four optional instruments. I think that the optional instruments are not amenable only to flag state implementation; they are easily part of an entire inspection process that a port State carries out.

I am going to conclude by saying I certainly recommend Convention No. 147's Protocol for your ratification and, further, I recommend all four optional instruments for your ratification.

Original French: Mr. LEGOUAS (*Workers' delegate, France; Vice-Chairman of the Committee on Recommendation No. 28 and Convention No. 147*) — I would like to highlight the points in Convention No. 147 that I think are positive. As I said before, once we have learned to distinguish between what is desirable, feasible and acceptable, there are a lot of positive things in this Convention No. 147.

First of all, the inclusion of text taken from the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which we asked for in 1994 but we did not obtain at the time, is a positive and very important feature. It is not just symbolic. We live in a world which is not always easy, and it may indeed allow us to resolve a certain number of difficulties.

We are particularly pleased to see that it has been possible not to leave a total choice open to governments, and that we have managed to obtain two compulsory Conventions, Nos. 109 and 133. Convention No. 109 has been spoken of already and I'm sure that all of you have realized its importance. In many ways, we have managed to pull off a first there, because in actual fact this Convention, which was being discussed only a moment ago, has already been included in another instrument of the ILO. Convention No. 133 is one to which we also attach a lot of importance. As I was saying a little earlier as well, we hope that the ILO will be looking again at it, as soon as possible, at a new Maritime Session of the International Labour Conference.

It concerns the accommodation of crews, and we know how much this particular situation has developed over the last few years. We believe, therefore, that it is necessary to update it. But it should also be emphasized that this Convention, which provides for inspection of accommodation, should, we believe, be fairly easy to implement during inspections. It should not give rise to an extra amount of work on the part of the inspectors. Therefore, we believe that its place in the compulsory list in the special appendix is quite appropriate.

As far as the other four Conventions are concerned, I agree with my friend Joe Cox that they cannot be called secondary. For me, the ILO does not have "major" instruments and "secondary" instruments; that would really be belittling the efforts that have been made over all these years of hard work. I think that the four Conventions that we have included in Part B of the appendix are indeed fundamental, and I hope that as many States as possible will be able to examine them, implement them and ratify them in a spirit of fairness.

So these are basically my somewhat technical comments on Convention No. 147, as revised by its Protocol.

Mr. DE BRUIJN (*Government adviser, Netherlands; Chairman of the Committee on Recommendation No. 28 and Convention No. 147*) — The Reporter has explained everything very clearly. During the Committee meeting many Government, Workers' and Employers' delegates stated that flexibility was necessary in the appendix. Indeed, without the flexibility shown by the Workers and Employers, we would still be discussing which Conventions to add or not to add. The final proposal which has been accepted by everyone is a remarkable example of what can and should be done. This Conference is like a sports match with three competitors: Workers, Governments and Employers. If the match is not won by all three of those parties, then everything that we are here for is lost.

When a person gets married, he signs his wedding contract, promising to be faithful and obedient. No one signs a wedding contract with the idea in his head that tomorrow he is going to have a girlfriend and could not care less about his signature. What I mean is that if governments sign something, they must respect it like a wedding contract. So I hope they will all sign and agree amongst themselves that they will actually act accordingly.

The PRESIDENT — The floor is now open for general discussion. If there are no speakers from the floor, we can proceed to the adoption of the body of the second report of the Committee on the partial revision of the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147), paragraphs 1 to 197. If there are no objections, I shall take it that the second report is adopted.

(The report is adopted.)

RESOLUTION CONCERNING THE INSPECTION OF SEAFARERS'
WORKING AND LIVING CONDITIONS: ADOPTION

The PRESIDENT — We will now proceed to the adoption of the resolution concerning the inspection of seafarers' working and living conditions. If there are no objections, I will take it that the resolution is adopted.

(The resolution is adopted.)

PROPOSED PROTOCOL OF 1996 TO THE MERCHANT SHIPPING
(MINIMUM STANDARDS) CONVENTION, 1976: ADOPTION

The PRESIDENT — We can now proceed to the adoption of the Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147). We will proceed Article by Article, beginning with the Preamble.

(The Preamble, Articles 1 to 6 and the supplementary appendix are adopted seriatim.)

May I take it that the proposed Protocol as a whole is adopted?

(The proposed Protocol as a whole is adopted.)

We have now concluded the consideration of the two reports, the proposed Convention, Recommendation, Protocol and resolution submitted to us by the Committee on Recommendation No. 28 and Convention No. 147. I would like to thank the Officers and members of the Committee, as well as the staff of the secretariat, for the excellent and diligent work that they have carried out.

Before we adjourn, I wish to inform you that the Officers of the Conference have been notified by the Workers' group that Mr. Nakanishi, the Workers' Vice-President, will have to leave the Conference before its closure. The Workers' group has proposed that he be replaced by Mr. John Fay, the Workers' delegate of the United States. Unless there are any objections, may I take it that the Conference approves this nomination?

(The nomination is approved.)

I would not like Mr. Nakinishi to leave this Conference, however, without thanking him for his support and assistance. It has been a pleasure having him with us.

(The Conference adjourned at 4.45 p.m.)

Fourth sitting

Tuesday, 22 October 1996, 10.10 a.m.

President: Mr. Hubbard

**RECORD VOTE ON THE CONVENTION CONCERNING THE INSPECTION
OF SEAFARERS' WORKING AND LIVING CONDITIONS**

The PRESIDENT — Following our consideration of the reports of the Committees, we shall now proceed to the final record vote on the instruments submitted for adoption by the Conference. The first instrument is the Convention concerning the inspection of seafarers' working and living conditions, the text of which is in *Provisional Record* No. 4A.

*(A record vote is taken.)**

The PRESIDENT — The result of the vote is as follows: 205 in favour, 1 against, with 10 abstentions. As the quorum and the required two-thirds majority of the votes cast have been attained, the Convention concerning the inspection of seafarers' working and living conditions is adopted.

(The Convention is adopted.)

**RECORD VOTE ON THE RECOMMENDATION CONCERNING THE INSPECTION
OF SEAFARERS' WORKING AND LIVING CONDITIONS**

The PRESIDENT — We shall now vote on the Recommendation concerning the inspection of seafarers' working and living conditions, the text of which is in *Provisional Record* No. 4B.

(A record vote is taken.)

* The detailed results of the record votes will be found in a separate section of this volume.

The result of the vote is as follows: 210 in favour, 0 against, with 9 abstentions. The quorum was 129. As the quorum and the required two-thirds majority of the votes cast have been attained, the Recommendation concerning the inspection of seafarers' working and living conditions is adopted.

(The Recommendation is adopted.)

RECORD VOTE ON THE CONVENTION CONCERNING THE
RECRUITMENT AND PLACEMENT OF SEAFARERS

The PRESIDENT — We shall now proceed to the final record vote on the Convention concerning the recruitment and placement of seafarers, the text of which can be found in *Provisional Record* No. 7A.

(A record vote is taken.)

The result of the vote is as follows: 197 votes in favour, 5 against, with 17 abstentions. As the quorum and the required two-thirds majority of the votes cast have been attained, the Convention concerning the recruitment and placing of seafarers is adopted.

(The Convention is adopted.)

RECORD VOTE ON THE RECOMMENDATION CONCERNING THE
RECRUITMENT AND PLACEMENT OF SEAFARERS

The PRESIDENT — We shall now vote on the Recommendation concerning the recruitment and placement of seafarers, which you will find in *Provisional Record* No. 7B.

(A record vote is taken.)

The result of the vote is as follows: 201 votes in favour, 4 against, with 10 abstentions. As the quorum and the required two-thirds majority of the votes cast have been attained, the Recommendation concerning the recruitment and placing of seafarers is adopted.

(The Recommendation is adopted.)

RECORD VOTE ON THE CONVENTION CONCERNING SEAFARERS'
HOURS OF WORK AND THE MANNING OF SHIPS

The PRESIDENT — We can now proceed to the final record vote on the Convention concerning seafarers' hours of work and the manning of ships, the text of which can be found in *Provisional Record* No. 6A.

(A record vote is taken.)

The result of the vote is as follows: 201 in favour, 1 against, with 15 abstentions. As the quorum of 129 and the required two-thirds majority of the votes cast have been attained, the Convention concerning seafarers' hours of work and of the manning of ships is adopted.

(The Convention is adopted.)

RECORD VOTE ON THE RECOMMENDATION CONCERNING SEAFARERS'
WAGES, HOURS OF WORK AND THE MANNING OF SHIPS

The PRESIDENT — We shall now vote on the Recommendation concerning seafarers' wages, hours of work and the manning of ships, which you will find in *Provisional Record* No. 6B.

(A record vote is taken.)

The result of the vote is as follows: 197 in favour, 11 against, with 16 abstentions. As the quorum and the required two-thirds majority of the votes cast have been attained, the Recommendation concerning seafarers' wages, hours of work and the manning of ships is adopted.

(The Recommendation is adopted.)

RECORD VOTE ON THE PROTOCOL OF 1996 TO THE MERCHANT SHIPPING
(MINIMUM STANDARDS) CONVENTION, 1976

The PRESIDENT — Now we shall vote on the Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976, which you will find in *Provisional Record* No. 5A.

(A record vote is taken.)

The result of the vote is as follows: 201 in favour, 4 against, with 19 abstentions. As the quorum and the required two-thirds majority of the votes cast have been attained, the Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976, is adopted.

*(The Protocol is adopted.)**

I have received a request for an explanation of his vote from Mr. Serradji, Government delegate of France, for an explanation of his country's position with regard to the votes conducted this morning.

* Mr. Gasc, Government delegate, France, subsequently stated that his vote in favour of the Protocol had not been recorded.

Original French: Mr. SERRADJI (Government delegate, France) — The French delegation came to participate in the 84th Maritime Session of the Conference with a basic conviction and motivated by three major wishes. For in our opinion this session is a great opportunity for States to introduce a policy of port state control based on principles of maritime security, non-discrimination between flags and not-more-favourable treatment, at a time when the countries of the whole world are confronted with the same challenge of globalization of trade.

It was on 11 June 1996 in this very Palais des Nations that the President of the French Republic recalled the dimension of this challenge when he said: "Let us place globalization — which we need to master better — at the service of mankind, its work and its quality of life". It is in order to turn this conviction into reality that France has striven to ensure that the 84th Session achieves three major objectives which I would like to recall here.

What we came to seek is the development of safer international transport through the implementation of simple, as well as reliable, instruments known and used by all. What we wanted to find, in the course of meetings which were as fruitful as this one, was the means to give the port State a realistic and efficient power of control, while making it complementary to the action of the flag State. Finally, what we came to do was to work for the development of a fundamental choice, that of a controlled and secure internationalization of maritime transport, instead of an uncontrolled internationalization that shows little respect for the fundamental interests and rights of the seafarers. It is therefore in line with this mandate that my country gave its vote on the four instruments that we have developed.

France is satisfied with the revision of the Convention on the placement of seafarers because it provides major guarantees for seafarers in respect of their fundamental rights and freedom of association. It recognizes for each seafarer a real right to employment, making it possible for him to make use of a placement system without any cost. It provides a guarantee of reliability and neutrality by entrusting the placement either to a public body or to a private body approved by the State. For these three reasons, France voted in favour of the instrument.

The same applies to Convention No. 129 on seafarers' hours of work and the manning of ships. This new Convention is the fruit of the experience and realism of the social partners. It meets the concerns of responsible governments which are seeking legal instruments that are clear in their contents but flexible in their implementation. Of course, the final text includes a set of very sophisticated provisions, but it is evidence of the expertise and knowledge of the maritime working world which characterized this 84th Session. Above all, it is the result of common sense, of logic and of the intelligence of passions controlled for the common good.

Article 5, for example, is clear evidence of the qualities of pragmatism and the technical know-how that I have already mentioned, as well as of the open-mindedness and receptivity of the Chair. I am certain that the text is a good example of the work of our assembly. Through its history which many of you will remember, it bears witness to the determination to reach agreement that characterized even the liveliest debates. It is a reflection, in particular, of the very *raison d'être* of the International Labour Organization. The instrument which we are putting up for ratification today is noteworthy for its innovative dimension

because, as France wished, it affirms the link which has now been recognized between the safety of maritime expeditions and the conditions of the work of seafarers.

However, if on Conventions Nos. 9 and 109 France had no hesitation, it did not have the same serene attitude towards the new Convention that will replace Recommendation No. 28. Of course, we welcomed the fact that Recommendation No. 28 was transformed into an international Convention and, of course, the work of the 84th Session will make it possible to recognize the existence of maritime labour inspectorates. The Convention's flexibility is not without merit, and the flag States meeting the criteria of the Montego Bay Convention on the Law of the Sea will have difficulty not to ratify it if they really want to show that they are exercising their jurisdiction over their vessels. However, many questions remain. One may well wonder what our jurists will deduce from the comparison between the principles contained in Conventions Nos. 81 and 129 on industrial and agricultural labour inspection and those which have been included in the new Convention on maritime labour inspection. One may also wonder about the reasons that led to the exclusion of any serious guarantees regarding the commercial independence of the inspector vis-à-vis the shipowner or ship-owning company. That is why, considering the social progress that this new instrument represents, France cannot vote against it. That is why, given the persistent anxiety about this instrument, France is unable to vote in favour of it. That is why, in order to make its point, France abstained in the vote. Yet our attitude might have changed if we had managed to convince our colleagues of the need to include Convention No. 28 in the Appendix of Convention No. 147; because for us Convention No. 147 is the cornerstone around which the credibility of minimum standards that are applicable and the recognition of reliable supervisory machinery will be established. During its work, the Committee managed to revise the Appendix to Convention No. 147 in its search for a compromise between flexibility and a minimum of constraint. France supported this approach without any misgivings. In view of the number of years between each Maritime Session, it was important for France that Convention No. 109 should as of now be included in the Appendix of Convention No. 147. That is the only way to make this new Convention universal, whether for the flag States through Article 2 of Convention No. 147 or for the port States through Article 4, while respecting the principle of not-more-favourable treatment. France therefore welcomes the result which is in line with the wishes it expressed at the start, even though we may regret that new Convention No. 28 is not included. On this last point, we may have been wrong to be right too early, and one day it will be necessary to establish a link between Convention No. 147 and the new Convention No. 28. For these reasons France was in favour of the new Protocol.

Nevertheless, in view of what was done in all the working meetings dealing with the four instruments, one cannot help but express a thought and take a special look at certain things. We have worked together, listening to one another. We have exchanged and shared a great deal, and sometimes our opinions, and we therefore cannot disguise the truth. On leaving this session, the French delegation is torn between a feeling of happiness for all that was positive and a feeling of dissatisfaction for all that has not yet been done. We are firmly convinced that what has been done will not be questioned, but there are still many things to be

done and much progress to achieve. In other words, to quote a very beautiful poem by the Greek poet Pindar and the poetry of the mystical French writer Charles Peguy. By way of serene conclusion, then, and in gratitude to all those who have assisted and supported us, I would like to say these few words: seeing that we were unable today to do even more together — or, as Pindar put it: “My soul, we were not able to exhaust all that was possible” — all that remains for us to do, in the time to come and on the paths of the future — as Peguy wrote — is to meet “our little sister, Hope”.

CLOSING SPEECHES

The PRESIDENT — We shall now proceed to the closing speeches. I give the floor to Mr. Simanjuntak, Government delegate of Indonesia and Vice-President of the Conference.

Mr. SIMANJUNTAK (*Government delegate, Indonesia; Vice-President of the Conference*) — First of all, let me take this opportunity to congratulate all of you on the success of our Conference, and in particular on the adoption of seven new instruments in the maritime field, that we hope will help the tripartite partners in all member countries to provide better working and living conditions of seafarers around the globe.

In 1994 I was honoured to be appointed to represent the Governing Body of the ILO at the Tripartite Meeting on Maritime Labour Standards. At the end of the meeting, I congratulated all the delegates on their cooperative spirit and mutual understanding in producing draft Conventions and Recommendations which became the basis of our discussion in this Conference. During the last two weeks the same cordial cooperative spirit and mutual understanding was demonstrated at all meetings of the three Committees, the Steering Committee and the various groups, working parties and drafting committees. Each of us may have had a different way of looking at particular matters, but we finally reached a consensus after exchanging and discussing our views. This is the strength of our unique tripartite relationship. We respect each other and discuss our differences. Even if we do not share the same opinions, there is no doubt that we share the same goal — to provide the best possible protection of seafarers' working and living conditions.

We are committed not only to the protection of ships and cargo, but to the protection of the environment and the lives of seafarers as well. However, we must also consider our limitations in providing protection to all parties, particularly to the governments and shipowners. While we may not be able to satisfy fully the concerns of all parties, we should nevertheless be proud of our achievement in accepting the final draft of the instruments we have adopted at this session of the Conference.

I believe these instruments will not only receive broad ratification and implementation but will also prove useful in solving problems which the maritime community will encounter in the next millennium. We should therefore prepare to ratify and implement these instruments as soon as possible. Our success will be truly measured several years from now, when many countries ratify and

implement these instruments and the seafarers' working conditions and the living standards of their families are significantly improved.

For the success of our deliberations, I should like to extend my great appreciation to Mr. Hubbard for his effective chairmanship. I should also like to thank the other two Vice-Presidents, Mr. Ghildiyal and Mr. Nakanishi who has just left, the Chairman of the Government group, Mr. Pinto, the Chairman of the Shipowners' group, Mr. Lindemann, and the Chairman of the Seafarers' group, Mr. Fay. The Chairmen, Vice-Chairmen, the Reporters of the three Committees, as well as the members of the working groups and drafting committees, deserve our thanks and grateful appreciation. We should also extend gracious thanks and appreciation to the Secretary-General of the Conference, to the Clerk of the Conference, Ms. de Warlincourt, and to all the staff members who have worked so hard to facilitate our successful deliberations.

Finally, for your hard work and valuable contribution, let me once again congratulate and thank all of you.

Mr. GHILDIYAL (*Employers' delegate, India; Vice-President of the Conference*) — We are nearing the end of a long and sometimes arduous two weeks. This 84th (Maritime) Session of the International Labour Conference brings to a close our work on the revision or development of a number of significant maritime instruments, on which shipowners, our partners in the seafarers' bench and governments have been working for some two years.

Maritime employers have long regarded the International Labour Organization as an important part of a standard-setting process for the shipping industry. Shipping is unusual in being an industry which is almost entirely international in nature. Shipowners and seafarers need internationally agreed instruments which will ensure that a ship is able to trade freely on the basis of standards which will be accepted whether the vessel is in Belgium or in Brazil, in Sweden or in Singapore, in Iceland or in my own country, India.

We are sometimes told that the degree of common understanding reached by the shipowners and seafarers is unusual in this Organization. Certainly, it is clear that both social partners acted together in pressing for a Maritime Session of the Conference and played a significant part in persuading the Governing Body to authorize it. We know that what we refer to as our maritime machinery was under threat, yet at no time did either we or our colleagues from the seafarers' side doubt that the only sure way to maintain an efficient mechanism for updating maritime labour instruments was in a forum dedicated to maritime matters, at which experts versed in the special nature of maritime industry would be present. It gives me pleasure to express our appreciation to the Governing Body for the confidence shown in this industry, and it gives me satisfaction to be able to say that I am sure that the conduct of our business in the last two weeks can only have helped to confirm the wisdom of its decision.

Let me now turn to the substance of the work. In the course of the past 15 days, we have revised a long-standing Convention on the placing of seamen; we have developed a Convention on labour inspection; we have agreed on a most important new Convention on hours of work in the maritime industry and related Recommendation; and we have adopted a Protocol to Convention No. 147 to facilitate the application of a number of maritime instruments. I will not repeat

the comments made by the Shipowners' committee spokesman during the adoption of the Committee reports yesterday, but a brief word on each of these measures is due.

First, the revised Convention No. 9 on the placing of seamen represents a significant achievement in the important area of standard setting in the maritime field. The changes that have been made to an instrument now 76 years old reflect developments in operation and practice over the years. We are pleased to have agreed to an instrument which provides a practical framework, both for shipowners and the seafarers who serve on our ships.

Turning to the revision of Recommendation No. 28 on labour inspection, I am pleased to say that we support the new Convention and Recommendation which were developed in Committee. We came here convinced that the only way to make these measures work in a Convention was to keep them simple and restrict them to flag state applications only. Our views were widely supported by the Governments and I am confident that we have developed a useful new instrument that will receive widespread ratification.

The third and perhaps most important of our activities at this Conference has been the elaboration of the new Convention on hours of work and manning and its associated Recommendation. I make no secret of the fact that the maritime employers had their doubts about whether we would be able to devise an agreement which would be acceptable to us. But we came here intent on trying to achieve an efficient and workable solution and the Shipowners' group is pleased that we have succeeded in our efforts. The discussions have been long and sometimes difficult, but we have put together a package of controls which both protects seafarers in respect of their working hours or experience, and maintain a code of working practice on which the continued efficient operation of the shipping industry depends. This will surely prove to be one of the most important maritime instruments devised by the International Labour Organization.

Lastly, let me turn to Convention No. 147 — the Merchant Shipping (Minimum Standards) Convention, 1976. This is unquestionably the most successful of the ILO maritime instruments and one which is widely acknowledged throughout the world. On the principle of substantial equivalence it has enabled the substance of many ILO Conventions to be accepted worldwide. The new Protocol adds six new instruments to those covered by Convention No. 147, two of them mandatory, the other four optional, and will give a major boost to the international adoption of some important measures.

We came to this Conference as the Shipowners' group, determined to make it a success. With very great pleasure, we believe that we have achieved what we set out to. The outcome of any tripartite discussion involves compromise on all sides. On behalf of the Shipowners' group, I pay tribute to the positive approach we have witnessed on the part of our colleagues from the Seafarers' group and the Governments. We can all leave Geneva with the satisfaction of a job well done. In doing so, we must look to the future. We must ensure that the instruments we have adopted at the Conference are promptly ratified and the Shipowners will be playing their part in this regard. We must also take stock of the work we have done here and use the experience to guide us in looking for the future of ILO maritime activity. I have already stated our commitment to preserving the ILO's maritime machinery, but we fully realize the financial

pressures on the Organization and we stand ready to consider any proposals the Office may have which would meet both their wishes to streamline procedures and our wish — shared, I know, by our Seafarers' group — to ensure that the special circumstances of the maritime industry remain the subject of consideration by the maritime experts.

Finally, Mr. President, may I express my personal thanks to you for the way in which you have guided us during the Conference, to my fellow Vice-Presidents, to all Officers of the Committees, and last but not least to the staff of the Office, who have provided us with so much support throughout the proceedings.

Mr. FAY (Workers' delegate, United States; Vice-President of the Conference) — The 84th Maritime Session of the International Labour Conference was given a very optimistic agenda. It was charged with the adoption of seven instruments. We can all be very satisfied that the Conference has discharged this task with great efficiency. The instruments which have been adopted are not only relevant to the current situation in the maritime industry but will, in our view, make a significant contribution to the current problems which afflict the industry. The Conference has therefore been a tremendous success, but we should remember that this Conference was convened only after a great deal of pressure and compromise by the social partners and with the support of a significant number of Governments.

We have argued that the maritime industry is different and that seafarers are unique and in need of special attention within this Organization. We trust our efforts during these past two weeks have served to illustrate how essential the ILO and its maritime machinery are to seafarers of all nationalities.

The Conference has been held in a spirit of cooperation and all sides have sought to ensure that the Conventions reflect a broad consensus. It must be said that the Seafarers did not secure everything they had hoped to achieve. It is doubtless the same for the other groups. This is, however, the nature of tripartism and is what makes the ILO so special.

We will shortly leave here and return to our own countries, but before we go let us recall what the ILO's Director-General said yesterday. He said quite clearly that, if the instruments adopted here today received wide ratification, then another Maritime Session was a distinct possibility. From the Seafarers' side, we urge those Governments that are truly committed to protecting seafarers to ratify these Conventions without delay, so that we may look forward with some optimism to a future opportunity to continue the good work we have accomplished during these past two weeks — and for that matter during the past 70 years.

There can be no doubt that this Conference has been a great success and reflects very well on the ILO. Its reputation as an organization dedicated to the protection of seafarers can only be enhanced by the results. It is our sincere hope that in the coming months the Governing Body of the ILO will reflect carefully on the outcome of these past two weeks. A lot more work remains still to be done, not least the updating and revision of maritime instruments previously adopted by the ILO. We hope, therefore, that it will not be too long before the next Maritime Session is convened, because seafarers rely on the ILO to improve the quality of their life at sea.

Finally, I would like to thank all of those who have participated in the Conference, the Shipowners, Governments and my colleagues on the Seafarers' side, and all those from the Office and those behind the scenes who made this such a successful Conference. With that, I wish you all a safe journey home.

The PRESIDENT — I now call on Mr. Hansenne, the Secretary-General of the Conference, for his closing remarks.

Original French: The SECRETARY-GENERAL — I am always authorized at the final meeting to make the shortest but most significant speech. On behalf of you all, I would like to hand to the President of the Conference a souvenir of the excellent work he has done on behalf of all of us during all these weeks, excellent work which is summed up in the adoption of all the instruments this morning. Mr. President, this is a little souvenir of our gratitude for these weeks' work.

The PRESIDENT — I have been using one of these gavels, as you know, for the last two days quite frequently, so this will certainly be a great memory for me when I return home and I certainly won't forget this Conference, I am sure. Thank you, Mr. Hansenne.

It is now my role to bring these proceedings to a close. We are at the end of a major Maritime Session of the Conference. But in a sense it is not an end but the beginning of a new era in the welfare of seafarers all over the world.

Before closing, I would like to express my deep gratitude to all those who in the course of the Conference have been so kind to me personally, both in statements and in action. For me it has been a great honour to serve as your President. It has been a pleasure to renew acquaintances with old friends, but also to meet a new generation of professionals involved in this maritime sector for which we all care so very much.

During the Conference it came to my attention that there was a significant event, the 300th anniversary of the Russian maritime fleet, and this national day is celebrated by all Russian seafarers on 20 October. It goes back three centuries, when a Decree providing for the birth of the fleet was signed by the Russian Tsar Peter the Great. I would ask, if you would let me on your behalf, to extend through the distinguished members of the Russian delegation our warm greetings on this occasion. To all Russian seafarers, we wish them well in the future.

The Secretary-General of the Conference, Mr. Michel Hansenne, in his statement yesterday provided you with his views on the work undertaken by the Conference. The results achieved during the last two weeks have indeed been impressive. In such a short period of time you have managed to agree on international maritime labour standards, on important issues such as recruitment and placement, labour inspections, hours of work, rest periods, manning and wages, as well as on a Protocol to Convention No. 147. I do not have statistics in hand, but I think it must be quite a long time since the International Labour Conference adopted seven instruments at the same session. In addition, you have also adopted five resolutions entailing important work to be undertaken by the Office in the future. I think you can all be justly pleased and proud of what you have achieved. It goes without saying that this achievement is the result of very

hard, purposeful and business-like work. All that you have agreed upon will, in my opinion, set a bench-mark for what should be acceptable standards.

What we have witnessed at this Conference is a high degree of professionalism, a spirit of cooperation and mutual respect. One of the characteristics of a truly international industry is the involvement, in fact I would say devotion, of all of us, irrespective of whether we come from government circles, management or labour. In many cases we might have different views on how important issues and problems should be solved, but I think that this Conference has shown that we have a commitment to find acceptable solutions. The International Labour Organization is the only organization in the United Nations family that can provide a truly tripartite forum on social and labour matters, and this Conference through its work has been an excellent example on how tripartism should and can work in practice. I am confident that this will be beneficial to the future work of the ILO.

In my address at the opening session of the Conference I stated that we can define success as the adoption of Conventions and Recommendations which are flexible, yet meaningful, and which are widely accepted, but that true success can only be measured several years from now when we look at the record of ratifications and the impact of these new instruments.

This Conference clearly has achieved its objectives. Now it is for each of us to follow up both at a national as well as at an international level the implementation of what has been adopted. In my view we should all try to make a genuine contribution and a special effort in this regard.

I cannot end this address without thanking you all again on behalf of Canada and on my own behalf for having entrusted me with the highest office in this Conference. I should like to thank most heartily for their support and assistance the three Vice-Presidents of the Conference, the Senior Adviser to the Minister of Manpower in Indonesia, Mr. Simanjuntak, the Government Vice-President, the Employers' delegate of India, Mr. Ghildiyal, the Employers' Vice-President, and the Workers' delegate of Japan, Mr. Nakanishi, the Workers' Vice-President, and his replacement, Mr. John Fay, the Workers' delegate of the United States.

I also want to thank the Officers of the Committees who have done the substantial work of the Conference. We have been extremely fortunate in having the most exceptional Chairpersons for those Committees. Likewise, I very much like to thank the Chairpersons of the three groups.

Finally, I should like to thank the Secretary-General of the Conference, Mr. Hansenne, his deputy, Mr. Tapiola, as well as all members of the secretariat of the Conference for the most valuable technical and administrative support that they have provided to us. And also we should not forget the interpreters who have had to deal with delivering our interventions and messages in the other languages of the Conference and all those from the Office who have worked so tirelessly behind the scenes, providing us with the tools necessary to conduct our business. Without them we could not have functioned so efficiently.

I have spent my working life in the maritime industry dealing with problems and issues for this sector, both at a national and international level, and it has not only been an honour to serve you but also a privilege and a high point at the culmination of a most interesting, challenging and rewarding career. Once again, I wish to thank you all and wish you good luck and a safe return home. With that

I declare the 84th Maritime Session of the International Labour Conference closed.

(The Conference adjourned sine die at 12.15 p.m.)

REPORTS



Reports of the Officers of the Conference

First report

In exercise of the powers and authority conferred upon them by the Conference at its first sitting, the Officers of the Conference have taken the following decisions.

1. Plan of work of Conference committees

The Officers of the Conference endorsed a draft plan of work for committees, which would not be binding but would enable them, in organizing their work, to take maximum possible account of the overall needs and possibilities of the Conference. The plan is attached in tabular form for the information of the Conference (Appendix II).

2. Suggestions to facilitate the work of the Conference

(a) Quorum

The Officers of the Conference have confirmed the following principles:

- (i) the quorum will be fixed provisionally, on the basis of the credentials received, in the brief report of the Chairman of the Governing Body on the day before the opening of the Conference, which is appended to the record of the first sitting of the Conference. This provisional quorum will remain unchanged until the Credentials Committee determines the quorum on the basis of registrations, it being understood that, if an important vote were to take place in the initial stages of the Conference (once the Credentials Committee has been appointed), the Conference might request the Credentials Committee to determine the quorum in an urgent report;
- (ii) thereafter, the quorum will be adjusted, under the authority of the Credentials Committee, so as to take into account new registrations and notices of departure from delegates leaving the Conference;
- (iii) delegates should register immediately on arrival, since the quorum is calculated on the basis of the number of delegates registered;
- (iv) acceptance of appointment as a delegate implies an obligation to be available in Geneva personally or through an adviser authorized to act as

a substitute for the work of the Conference until its end, since important votes often take place on the last day;

- (v) delegates who are nevertheless obliged to leave the Conference before it finishes should give notice of their forthcoming departure to the secretariat of the Conference. (The form provided for indicating their date of departure also enables them to authorize an adviser to act and to vote in their place.) At group meetings held during the second half of the Conference the attention of members of the groups will be drawn to the importance of completing and handing in this form;
- (vi) in addition, one Government delegate of a country may report the departure of the other Government delegate, and the secretaries of the Employers' and Workers' groups may also give notice of the final departure of members of their groups who have not authorized advisers to act in their place;
- (vii) when a record vote is taken in plenary while committees are sitting, delegates are both entitled and expected to leave committees to vote unless they are replaced by a substitute in plenary. Announcements are made in the committees to ensure that all delegates are aware that a record vote is about to take place.

(b) Punctuality

The Officers of the Conference ask committee chairmen to start proceedings very punctually — except where a technical section has not yet completed its preliminary discussions — irrespective of the number of persons present, but on condition that votes will not be taken unless a quorum is clearly present.

(c) Negotiations

In order to facilitate more continuous negotiation in committees between the different groups, representatives of each group should meet with the chairman and reporter of the committee and with the representative of the Secretary-General, whenever this is desirable, to ensure that the leaders of each group know fully the minds of their colleagues in the other groups; normally such meetings are held before each group has committed itself to a definite position. The function of these informal meetings is to afford opportunities for a fuller understanding of differences of view before definite positions have crystallized.

**3. Participation in Conference committees by
Members having lost the right to vote**

At its 239th Session (February-March 1988), the Governing Body considered the implications of the appointment, as regular members of Conference committees, of representatives of a member State which had lost the right to vote under article 13, paragraph 4, of the Constitution of the ILO. It noted that, while the appointment of employers' and workers' representatives from such a State had no practical implications, because the employers' and workers' groups operated an effective system under article 56, paragraph 5(b), of the Conference Standing Orders for ensuring that deputy members of a committee voted in the place of regular members deprived of the right to vote, the same was not true of the

Government group. As a result, if a government that has lost the right to vote is appointed as a regular member of a committee, the distribution of votes between the three groups is distorted because the weighting of votes is based on the full regular membership and in practice the Government regular members of committees who are unable to vote do not make use of the possibility afforded by article 56, paragraph 5(a), of appointing a deputy member to vote in their place.

The Governing Body accordingly recommended that, in order to avoid such distortions, members of the Government group should not apply for regular membership of committees if they were not at the time in question entitled to vote. Should this practice, which has been maintained at all sessions of the Conference since 1987, for any reason not be fully respected, the weighting coefficients in committees should be calculated on the basis of the number of Government members entitled to vote.

The Officers of the Conference have accordingly decided that the calculation of weighting coefficients for votes in committees should be based on the number of regular Government members entitled to vote.

The electronic voting system takes account of this practice.

**4. Request by a non-member State to be represented
by a delegation of observers at the 84th (Maritime)
Session of the Conference**

The Secretary-General received a letter dated 28 August 1996 from the Ambassador, Permanent Representative of the Democratic People's Republic of Korea to the United Nations Office in Geneva, requesting on behalf of the Government of that country an invitation to be represented by a delegation of observers at the present session of the Conference.

The Officers of the Conference have authorized the Secretary-General to invite the Democratic People's Republic of Korea to be represented at the 84th (Maritime) Session of the Conference, in accordance with article 2, paragraph 3(e), of the Conference Standing Orders.

**5. Requests for representation in Conference
committees submitted by non-governmental
international organizations**

In accordance with article 2, paragraph 3(j), of the Standing Orders of the Conference, the Officers of the Governing Body have decided to invite certain non-governmental international organizations to be represented at the 84th (Maritime) Session of the Conference, it being understood that it would be for the Officers of the Conference to consider their requests to participate in the work of the committees dealing with items on the agenda in which they have expressed a particular interest.

The provision of the Standing Orders of the Conference which is relevant to such requests is article 56, paragraph 9. In accordance with that article ***the Officers of the Conference have invited the following organizations to be represented in the committees stated:***

All technical committees

- Apostolatus Maris
- European Community Shipowners' Associations
- International Association of Classification Societies
- Islamic Shipowners' Association
- International Christian Maritime Association
- International Collective in Support of Fishworkers
- International Committee on Seafarers' Welfare
- General Confederation of Trade Unions
- International Confederation of Water Transport Workers' Unions
- International Shipping Federation
- International Federation of Trade Unions of Transport Workers
- International Transport Workers' Federation
- Trade Unions International of Transport Workers

Committee on Recommendation No. 28 and Convention No. 147

- United Seamen's Service

6. Composition of committees

The full lists of the composition of committees are attached in Appendix III.

Signed,

Geneva, 8 October 1996.

M. Hubbard
President

P. Simanjuntak
Government
Vice-President

B.M. Ghildiyal
Employers'
Vice-President

S. Nakanishi
Workers'
Vice-President

Appendix I

Description of the electronic voting system

The electronic system provides for votes (in most cases: yes, no, abstention) to be expressed by means of a keyboard on a "voting station" that will be made available to all delegates or persons empowered to vote on their behalf.

Where the electronic system is used, the subject and question to be voted on will be displayed, as well as the nature of the vote (show of hands, record vote or secret ballot) and the President or Chairman will announce the beginning of the vote. After the President or Chairman has made sure that all delegates have been given sufficient opportunity to record their vote in one of the voting stations available to them, the President or Chairman will announce the closure of the vote.

Where the method of vote is by show of hands, once all votes have been registered the final voting figures will be immediately displayed and subsequently published with the following indications: total number of votes in favour, total number of votes against, total number of abstentions and the quorum as well as the majority required.

Where a record vote is taken, once all votes have been registered the final voting figures will be immediately displayed with the following indications: total number of votes in favour, total number of votes against, total number of abstentions and the quorum as well as the majority required. These indications will subsequently be published together with a list of the delegates who have voted, showing how they have voted.

In the case of a secret ballot, once all votes have been registered the final voting figures will be immediately displayed and subsequently published with the following indications: total number of votes in favour, total number of votes against, total number of abstentions and the quorum as well as the majority required. There will be absolutely no access possible to individual votes nor any record of how the delegates have voted.

It is important that, as at present, delegates should have previously decided whether they or another member of their delegation will exercise their right to vote in a given case. Where more than one vote is nevertheless cast on behalf of a delegate at two different moments or from two different places, only the first vote will be recognized, whether made by a delegate, by a substitute delegate or by an adviser who has received a specific written authorization to that end. Such specific authorizations must reach the secretariat sufficiently before the opening of voting is announced so as to be duly recorded.

Appendix II

84th (Maritime) Session (October 1996) of the International Labour Conference — Plan of work

	M 7	T 8	W 9	Th 10	F 11	S 12	M 14	T 15	W 16	Th 17	F 18	S 19	M 21	T 22
ILC group meetings	■	■ ■												
ILC plenary sittings		■											■ DG's address	■
Committee on Recommendation No. 28 and Convention No. 147			■	■	■	■	■	■ DC	■ A R.28	■	DC	A Proto. C.147	PI	V
Committee on Convention and Recommendation No. 109			■	■	■	■	■	■	■	■	DC	A	PI	V
Committee on Convention No. 9			■	■	■	■	■	■	DC	A			PI	V
Joint Maritime Commission														■

A Adoption by the Committee of its report

DC Drafting Committee

PI Adoption of the report by the Conference in plenary sitting

V Record vote in plenary sitting of the Conference

■ Sittings all day as required

■ Morning sitting only

■ Afternoon sitting only

Note: Meetings of the Employers' and Workers' full groups will take place every morning from 9 to 9.30 a.m., followed by separate group meetings of the Employers' and Workers' groups of the various committees as required.

Appendix III

Composition des commissions Composition of committees Composición de las comisiones

(Note: Names of countries are given in French; los nombres de los países figuran en frances.)

REVISION DE LA RECOMMANDATION (No 28) SUR L'INSPECTION DU TRAVAIL (GENS DE MER) ET REVISION PARTIELLE DE LA CONVENTION (No 147 SUR LA MARINE MARCHANDE (NORMES MINIMA)

REVISION OF THE LABOUR INSPECTION (SEAMEN) RECOMMENDATION, (No. 28) AND PARTIAL REVISION OF THE MERCHANT SHIPPING (MINIMUM STANDARDS) CONVENTION (No 147)

REVISION DE LA RECOMENDACION SOBRE LA INSPECCION DEL TRABAJO (GENTE DE MAR) (NÚM. 28) Y LA REVISIÓN PARCIAL DEL CONVENIO SOBRE LA MARINA MERCANTE (NORMAS MÍNIMAS) (NÚM 147)

Membres gouvernementaux - Government members - Miembros gubernamentales

ALGERIE	ALLEMAGNE	ARGENTINE
AUSTRALIE	BELGIQUE	BRESIL
BULGARIE	CANADA	CHILI
CHINE	CHYPRE	COLOMBIE
REPUBLIQUE DE COREE	COSTA RICA	CROATIE
CUBA	DANEMARK	EGYPTE
ESPAGNE	ETATS-UNIS	FINLANDE
FRANCE	GRECE	INDE
INDONESIE	REP. ISLAMIQUE D'IRAN	IRAQ
ISRAEL	ITALIE	JAPON
KENYA	KOWEIT	LIBAN
LUXEMBOURG	MALAISIE	MALTE
MEXIQUE	NAMIBIE	NORVEGE
NOUVELLE-ZELANDE	PANAMA	PAYS-BAS
PEROU	PHILIPPINES	POLOGNE
PORTUGAL	ROUMANIE	ROYAUME-UNI
FEDERATION DE RUSSIE	SINGAPOUR	SLOVAQUIE
SLOVENIE	SUEDE	SUISSE
REP. ARABE SYRIENNE	THAILANDE	TUNISIE
TURQUIE	UKRAINE	URUGUAY
VIET NAM	ZAIRE	

Membres gouv. adjoints - Govt. deputy members - Miembros gub.adjuntos

REPUBLIQUE D'ANGOLA	CONGO	IRLANDE
ISLANDE	NIGERIA	

Membres employeurs - Employers' members - Miembros empleadores

Mr. AL RUBAIDI (Yémen)
 Mr. BENGZON (Philippines)
 Mr. BHAKDIBADHANABANIJ (Thaïlande)
 Sr. CABRERA (Paraguay)
 M. CASIMIRO M'PITO (Angola)
 S: M. DOMINGOS
 Mr. COX (Etats-Unis)
 Ms. ENGSTRÖM (Suède)
 S: Mr. FRANSSON
 Sr. MANZANARES (Panama)
 S: Sr. ICAZA
 Mr. MASUDA (Japon)
 S: Mr. TOYODA
 S: Mr. TAKAHASHI
 Mr. NIEWEGLOWSKI (Pologne)
 S: Mr. NIEMIEC
 M. NUNES (Portugal)
 S: M. PAULO FARINHA
 Mr. PETTEY (Royaume-Uni)
 S: Mr. SPRINGETT
 M. RAVERA (Italie)
 S: M. AGLIETA
 M. RAZZOUK (République arabe syrienne)
 S: M. JUNDI
 Sr. SISTIAGA (Espagne)
 S: Sr. SANCHEZ
 S: Sr. SANTIAGO
 M. STAUB (France)
 S: M. SULPICE
 S: M. METGE
 S: M. BOURGAIN
 S: Mme DION
 Mr. TCHERNIAKOVSKII (Fédération de Russie)

Membres employeurs adjoints - Employers' deputy members - Miembros empleadores adjuntos

Mr. BORABEE'AH (Koweït)	S: Mr. GULDBRANDSEN
Sr. CABRAL (Argentine)	Mr. UNSALER (Turquie)
Mr. FORSSKAHL (Finlande)	Mr. ZIER (Pays-Bas)
S: Mr. AHLSTRÖM	S: Mr. VAN KETEL
Mr. LILICO (Nouvelle-Zélande)	
Mr. LINDEMANN (Allemagne)	
Mr. MAGNÚSSON (Islande)	
Mrs. MIDELFART (Norvège)	
S: Mrs. STEEN	
Mr. PARDIWALA (Inde)	
Mr. PILIKOS (Chypre)	
Mr. SCHOEMAN (Namibie)	
Mr. SHU (Chine)	
M. SHUBOCHKIN (Ukraine)	
M. SIMION (Roumanie)	
Mr. SPRINGBORG (Danemark)	

Membres travailleurs - Workers' members - Miembros trabajadores

Mr. ANGULA (Namibie)	M. ATANASIU (Roumanie)
Mr. BALA (Malaisie)	M. BAUSCH (Luxembourg)
Mr. BENZE (Allemagne)	Mr. CEGIELSKI (Pologne)
Mr. CHAROENPHAO (Thaïlande)	Mr. CHRISTODOULOU (Chypre)
M. DE ALMEIDA (Portugal)	Sr. DIAZ GUEVARA (Chili)
Sr. DOMINGUEZ (Espagne)	Mr. FAY (Etats-Unis)
Mr. GAREEB (Iraq)	Mr. GOULART PONZI (Brésil)
Mr. GYLLENBERG (Finlande)	Mr. HANSSON (Suède)
Mr. HARYANTHO (Indonésie)	Mr. LAMUG (Philippines)
M. LEGOUAS (France)	M. MAKOPO (Zaïre)
Mr. MCEWEN (Royaume-Uni)	Mr. NAKANISHI (Japon)
Sr. PUCCI (Argentine)	M. SELLAMI (Algérie)
Ms. SKREDE (Norvège)	Mr. STARTCHENKO (Fédération de Russie)
Mr. TAY JWEE HWA (Singapour)	Mr. TOUWEN (Pays-Bas)
Mr. ZARB (Malte)	Mr. ZHU (Chine)
M. ZUBKOV (Ukraine)	

Membres travailleurs adjoints - Workers' deputy members - Miembros trabajadores adjuntos

M. ALEXANDRE DELGADO (Portugal)	Sr. ASTORGA LOBOS (Chili)
Mr. BAHN (Allemagne)	Mr. BERLAN (Croatie)
M. BLESER (Luxembourg)	Mr. BRIFFA (Malte)
Sr. CASTRO (Argentine)	M. CHAGAS (Portugal)
Mr. CULLEN (Irlande)	Mr. DEGERUD (Norvège)
Mr. DOLLERIS (Danemark)	Mr. DUBINSKI (Pologne)
Mr. FUCHS (Canada)	Mr. GIRVAN (Royaume-Uni)
Mr. HICKS (Royaume-Uni)	Mr. HILSTROM (Danemark)
Mr. ISAKSEN (Norvège)	Mr. KAM (Singapour)
Ms. KAZAMA (Japon)	Mr. KEPP (Fédération de Russie)
Mr. KIM (République de Corée)	Mr. KJAERNESTED (Islande)
Ms. LÄHDESMÄKI-JOHANSSON (Finlande)	M. LE PORT (France)
Mr. LI (Chine)	Mr. LINDWALL (Suède)
Sr. MARTINEZ RODRIGUEZ (Mexique)	Mr. MCLEOD (Nouvelle-Zélande)
Mr. MCVICAR (Royaume-Uni)	Mr. MIO (Japon)
Mr. MÜLLER (Allemagne)	Mr. NELIN (Finlande)
Mr. NEOCLEOUS (Chypre)	Mr. NYLUND (Finlande)
Mr. OCA (Philippines)	Mr. ORRELL (Royaume-Uni)
M. POPESCU (Roumanie)	M. RODRIGUES BANDEIRA (Portugal)
Mr. ROSS (Australie)	Mr. SCHMELING (Allemagne)
Mr. TAGUCHI (Japon)	Mr. THEMNER (Suède)
Mr. TING (Royaume-Uni)	Mr. TSELENTIS (Grèce)
Mr. UKKONEN (Finlande)	Mr. VAN DE POL (Pays-Bas)
Sr. VENTURINI (Argentine)	M. VERRIEUX (France)
Mr. VRIESEN (Pays-Bas)	M. WAGNER (Luxembourg)
Ms. WILLEMO (Suède)	Mr. WILLIAMS (Nouvelle-Zélande)

REVISION CONVENTION ET DE LA RECOMMANDATION No 109) SUR LES SALAIRES, LA DUREE DU TRAVAIL A BORD ET LES EFFECTIFS

REVISION OF THE WAGES, HOURS OF WORK AND MANNING CONVENTION (No 109) AND RECOMMENDATION

REVISION DEL CONVENIO Y DE LA RECOMENDACIÓN (NÚM 109) SOBRE SALARIOS, HORAS DE TRABAJO A BORDO Y DOTACION

Membres gouvernementaux - Government members - Miembros gubernamentales

ALGERIE	ALLEMAGNE	ARGENTINE
AUSTRALIE	BELGIQUE	BRESIL
BULGARIE	CANADA	CHILI
CHINE	CHYPRE	REPUBLIQUE DE COREE
CUBA	DANEMARK	EGYPTE
ESPAGNE	FINLANDE	FRANCE
GRECE	INDE	INDONESIE
REP. ISLAMIQUE D'IRAN	IRAQ	IRLANDE
ITALIE	JAPON	KOWEIT
LIBAN	LUXEMBOURG	MALAISIE
MALTE	MEXIQUE	NAMIBIE
NORVEGE	NOUVELLE-ZELANDE	PANAMA
PAYS-BAS	PHILIPPINES	PORTUGAL
ROUMANIE	ROYAUME-UNI	FEDERATION DE RUSSIE
SINGAPOUR	SLOVAQUIE	SLOVENIE
SUEDE	SUISSE	REP. ARABE SYRIENNE
THAILANDE	TUNISIE	TURQUIE
URUGUAY	VIET NAM	

Membres gouv. adjoints - Govt. deputy members - Miembros gub.adjuntos

CONGO	CROATIE	ETATS-UNIS
ETHIOPIE	PEROU	POLOGNE
UKRAINE		

Membres employeurs - Employers' members - Miembros empleadores

M. AGLIETA (Italie)

S: M. RAVERA

Mr. AKATSUKA (Japon)

S: Mr. MASUI

S: Mr. ISHIZUKA

Mr. BREUER (Allemagne)

S: Mr. KÖSTER

Sr. CABRAL (Argentine)

Sr. CICCULO (Uruguay)

Mr. FRANSSON (Suède)

S: Mr. IFWARSSON

M. JUNDI (République arabe syrienne)

S: M. RAZZOUK

M. LOBO DO NASCIMENTO (Angola)

Mr. LUSTED (Royaume-Uni)

Mr. MATSKIAVITCHUS (Fédération de Russie)

S: Mr. TCHERNIAKOVSKI

S: Mr. OMELIN

Mrs. MIDELFART (Norvège)

S: Mrs. STEEN

Mr. MILLER (Nouvelle-Zélande)

S: Mr. LILICO

Sr. MORALES VILLAMOR (Chili)

S: Sr. CATALAN GONZALEZ

Mr. PARDIWALA (Inde)

Mr. PARK (République de Corée)

Mr. PERZYNSKI (Pologne)

S: Mr. NIEMIEC

Sr. SANCHEZ (Espagne)

S: Sr. SANTIAGO

S: Sr. SISTIAGA

M. SHUBOCHKIN (Ukraine)

M. SILLINI (Tunisie)

M. SULPICE (France)

S: M. METGE

S: M. STAUB

S: Mme DION

S: M. BOURGAIN

Mr. VAN MEENEN (Pays-Bas)

S: Mr. VAN KETEL

S: Mr. ZIER

Mr. WENGEL-NIELSEN (Danemark)

S: Mr. SORENSEN

S: Mr. SPRINGBORG

Membres employeurs adjoints - Employers' deputy members - Miembros empleadores adjuntos

M. BEFFORT (Luxembourg)
 Mr. BHAKDIBADHANABANIJ (Thaïlande)
 Ms. CHUDECKI (Canada)
 S: Ms. MONK
 Mr. DINGLI (Malte)
 M. GEORGESCU (Roumanie)
 Mr. HOLCIK (Slovaquie)
 Mr. ILTER (Turquie)
 Mr. KAZAKOS (Chypre)
 S: Mr. JOSEPHIDES
 Mr. KOLTSIDPOULOS (Grèce)
 Mr. LI (Chine)
 Mr. LIM KHIM SENG (Singapour)
 Mr. LÖNNQVIST (Finlande)
 Mr. MAGNÚSSON (Islande)
 Mr. PAYNE (Australie)
 Ms. POSPISIC-MILER (Croatie)
 S: Mr. KRAGIC
 Mr. SALINAS (Philippines)
 Mr. SCHOEMAN (Namibie)

Membres travailleurs - Workers' members - Miembros trabajadores

Mr. ABRAHAMSSON (Suède)	M. ALEXANDRE DELGADO (Portugal)
Mr. BERGER (Etats-Unis)	M. BLESER (Luxembourg)
M. BOAJA (Roumanie)	Mr. BRAZZODURO (Croatie)
Mr. CALAMATTA (Malte)	Mr. CULLEN (Irlande)
Mr. DEGERUD (Norvège)	Sr. DEL CID RAMOS (Panama)
Mr. DUBINSKI (Pologne)	Mr. FUNCH (Danemark)
Sr. JUSTO VILLAMIL (Cuba)	Mr. KAM (Singapour)
Mr. KEPP (Fédération de Russie)	M. KIBISWA KWABENE (Zaïre)
Mr. KIM (République de Corée)	Sr. KIMER VASCONCELLO (Chili)
Mr. KJAERNESTED (Islande)	Mr. KRZNARIC (Slovénie)
Sr. LARROSA (Uruguay)	Mr. MCLEOD (Nouvelle-Zélande)
Mr. MONTEIRO SANT'ANNA (Brésil)	Sr. MUÑOZ (Espagne)
Mr. NADLAR (Indonésie)	M. NARELLI (France)
Mr. NELIN (Finlande)	Mr. NEOCLEOUS (Chypre)
Mr. OKUI (Japon)	Mr. ORRELL (Royaume-Uni)
Mr. SCHMELING (Allemagne)	Sr. SUAREZ (Argentine)
M. TERKMANE (Algérie)	Mr. TSOURAS (Grèce)
Mr. VERHOEF (Pays-Bas)	Mr. ZHANG (Chine)

Membres travailleurs adjoints - Workers' deputy members - Miembros trabajadores adjuntos

M. ADALBERON (France)	Sr. ASTORGA LOBOS (Chili)
Sr. AZKUE (Espagne)	Mr. BAHN (Allemagne)
M. BAUSCH (Luxembourg)	Mr. BERLAU (Danemark)
Sr. CASTRO (Argentine)	Mr. CHRISTENSEN (Danemark)
M. DE ALMEIDA (Portugal)	M. FRUNZA (Roumanie)
Mr. GIRVAN (Royaume-Uni)	Mr. GYLLENBERG (Finlande)
Mr. HANSSON (Suède)	Mr. HICKS (Royaume-Uni)
Mr. IJIMA (Japon)	Mr. IOANNOU (Chypre)
Mr. ISAKSEN (Norvège)	M. ISSA (République arabe syrienne)
Mr. LAMUG (Philippines)	M. LEGOUAS (France)
Mr. LI (Chine)	Mr. LINDWALL (Suède)
Mr. MACIEJEWICZ (Pologne)	Sr. MARTINEZ RODRIGUEZ (Mexique)
Mr. MCEWEN (Royaume-Uni)	Mr. MCVICAR (Royaume-Uni)
Sr. MORATO (Argentine)	M. RODRIGUES BANDEIRA (Portugal)
Mr. ROSS (Australie)	Ms. SKREDE (Norvège)
Mr. SORENSEN (Danemark)	Mr. STAVROU (Chypre)
Mr. TAGUCHI (Japon)	Mr. TAY JWEE HWA (Singapour)
Mr. THEMNER (Suède)	Sr. TOMADA (Argentine)
Mr. TOUWEN (Pays-Bas)	Mr. TSELENTIS (Grèce)
Mr. VRIESEN (Pays-Bas)	M. WAGNER (Luxembourg)
Mr. WILLIAMS (Nouvelle-Zélande)	M. ZUBKOV (Ukraine)
Mr. ZYRIANOV (Fédération de Russie)	

REVISION DE LA CONVENTION SUR LE PLACEMENT DES MARINS (No 9)

REVISION OF THE PLACING OF SEAMEN CONVENTION (No 9)

REVISION DEL CONVENIO SOBRE LA COLOCACION DE LA GENTE DE MAR (NÚM 9)

Membres gouvernementaux - Government members - Miembros gubernamentales

ALGERIE	ALLEMAGNE	ARGENTINE
AUSTRALIE	BELGIQUE	BULGARIE
CANADA	CHILI	CHINE
REPUBLIQUE DE COREE	CROATIE	CUBA
DANEMARK	EGYPTE	ESPAGNE
ETATS-UNIS	ETHIOPIE	FINLANDE
FRANCE	GRECE	INDE
INDONESIE	REP. ISLAMIQUE D'IRAN	IRAQ
ITALIE	JAPON	KOWEIT
LIBAN	LUXEMBOURG	MALAISIE
MEXIQUE	NIGERIA	NORVEGE
NOUVELLE-ZELANDE	PANAMA	PAYS-BAS
PEROU	PHILIPPINES	POLOGNE
PORTUGAL	ROUMANIE	FEDERATION DE RUSSIE
SINGAPOUR	SLOVAQUIE	SLOVENIE
SUEDE	SUISSE	REP. ARABE SYRIENNE
THAILANDE	TUNISIE	TURQUIE
UKRAINE	URUGUAY	VIET NAM
ZAIRE		

Membres gouv. adjoints - Govt. deputy members - Miembros gub.adjuntos

BRESIL	CONGO	IRLANDE
MALTE	ROYAUME-UNI	

Membres employeurs - Employers' members - Miembros empleadores

Sr. ALFONSO DOMINGUEZ (Cuba)	S: Mme DION
Mr. BURKE (Royaume-Uni)	Mr. NIEMIEC (Pologne)
Sr. CATALAN GONZALEZ (Chili)	S: Mr. MYSZOR
S: Sr. MORALES VILLAMOR	M. PAULO FARINHA (Portugal)
M. DOMINGOS (Angola)	S: M. NUNES
S: M. CASIMIRO M'PITO	Mr. PAYNE (Australie)
Mr. IFWARSSON (Suède)	Mr. SALINAS (Philippines)
S: Ms. ENGSTRÖM	Mrs. STEEN (Norvège)
Mr. KÖSTER (Allemagne)	S: Mrs. MIDELFART
S: Mr. BREUER	
Mr. MASUDA (Japon)	
S: Mr. HOSAKA	
S: Mr. ATSUMI	
Mr. MATSKIIVITCHUS (Fédération de Russie)	
S: Mr. KOLINITCHENKO	
S: Mr. METELEV	
S: Mr. ZAMARIANOV	
M. METGE (France)	
S: M. STAUB	
S: M. SULPICE	
S: M. BOURGAIN	

Membres employeurs adjoints - Employers' deputy members - Miembros empleadores adjuntos

M. AGLIETA (Italie)

S: M. RAVERA

Mr. BHAKDIBADHANABANIJ (Thaïlande)

Sr. CICCULO (Uruguay)

M. JUNDI (République arabe syrienne)

Mr. KOLTSIDPOULOS (Grèce)

Mr. MILLER (Nouvelle-Zélande)

Ms. MONK (Canada)

S: Ms. CHUDECKI

M. OPRIS (Roumanie)

Mr. PARDIWALA (Inde)

Mr. QIN (Chine)

Mr. SCHOEMAN (Namibie)

M. SHUBOCHKIN (Ukraine)

Mr. SPRINGBORG (Danemark)

Membres travailleurs - Workers' members - Miembros trabajadores

Mr. BAHN (Allemagne)

Mr. BERLAN (Croatie)

Mr. DALAKOGIORGOS (Grèce)

Sr. FERNANDEZ (Espagne)

Mr. ISAKSEN (Norvège)

Ms. LÄHDESMÄKI-JOHANSSON (Finlande)

Mr. MCMILLAN (Canada)

Mr. OCA (Philippines)

Mr. ROSS (Australie)

Sr. SILVA BERON (Chili)

M. TAYEBI (Algérie)

Sr. VENTURINI (Argentine)

M. WAGNER (Luxembourg)

Ms. WILLEMO (Suède)

Mr. WOJCIK (Pologne)

Mr. BARNES (Inde)

Mr. BRIFFA (Malte)

Mr. EREMENKO (Fédération de Russie)

Mr. IDEMOTO (Japon)

M. ISSA (République arabe syrienne)

Sr. MARTINEZ RODRIGUEZ (Mexique)

Mr. MCVICAR (Royaume-Uni)

M. POPESCU (Roumanie)

Mr. RUSTANDI (Indonésie)

Mr. SOUSA DE FIGUEIREDO (Brésil)

Mr. VAN DE POL (Pays-Bas)

M. VERRIEUX (France)

Mr. WANG (Chine)

Mr. WILLIAMS (Nouvelle-Zélande)

M. ZAND (Zaïre)

Membres travailleurs adjoints - Workers' deputy members - Miembros trabajadores adjuntos

Sr. ABOY (Espagne)	M. ALEXANDRE DELGADO (Portugal)
Sr. ASTORGA LOBOS (Chili)	M. BAUSCH (Luxembourg)
Mr. BERLAU (Danemark)	M. BLESER (Luxembourg)
Mr. BRAZZODURO (Croatie)	M. CHAGAS (Portugal)
Mr. CHRISTENSEN (Danemark)	M. D'ABANCOURT (France)
M. DE ALMEIDA (Portugal)	Mr. DEGERUD (Norvège)
Mr. GIRVAN (Royaume-Uni)	Mr. HICKS (Royaume-Uni)
Mr. KJAERNESTED (Islande)	Mr. LAGERBERG (Finlande)
Mr. LAMUG (Philippines)	Mr. LINDWALL (Suède)
Mr. MACIEJEWICZ (Pologne)	Mr. MCEWEN (Royaume-Uni)
Mr. MCLEOD (Nouvelle-Zélande)	Mr. MIO (Japon)
Sr. MORATO (Argentine)	M. NARELLI (France)
Mr. ORRELL (Royaume-Uni)	M. RODRIGUES (Portugal)
Ms. SKREDE (Norvège)	Mr. SORENSEN (Danemark)
M. STICI (Roumanie)	Mr. TAGUCHI (Japon)
Mr. THEMNER (Suède)	Sr. TOMADA (Argentine)
Mr. TSELENTIS (Grèce)	Mr. VERHOEF (Pays-Bas)
Mr. VRIESEN (Pays-Bas)	M. ZUBKOV (Ukraine)



**Provisional Record**

Eighty-fourth (Maritime) Session, Geneva, 1996

Reports of the Officers of the Conference**Second report**

In exercise of the powers and authority conferred upon them by the Conference at its first sitting, the Officers of the Conference have approved the following decisions with effect from 10 October 1996.

Changes in the composition of committees

The Officers of the Conference have approved the following changes in the composition of committees.

REVISION OF THE LABOUR INSPECTION (SEAMEN) RECOMMENDATION, (No. 28) AND PARTIAL REVISION OF THE MERCHANT SHIPPING (MINIMUM STANDARDS) CONVENTION (No 147)

REVISION DE LA RECOMMANDATION (No 28) SUR L'INSPECTION DU TRAVAIL (GENS DE MER) ET REVISION PARTIELLE DE LA CONVENTION (No 147 SUR LA MARINE MARCHANDE (NORMES MINIMA)

REVISION DE LA RECOMENDACION SOBRE LA INSPECCION DEL TRABAJO (GENTE DE MAR) (NÚM. 28) Y LA REVISIÓN PARCIAL DEL CONVENIO SOBRE LA MARINA MERCANTE (NORMAS MÍNIMAS) (NÚM 147)

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Governments - Gouvernements - Gobiernos*add/ajouter/añadir*

MAROC	-	A
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Employers - Employeurs - Empleadores*add/ajouter/añadir*

M. BENRAMOUL (Algérie)	-	T
M. KENDOUCI (Algérie)	-	Suppléant de M. BENRAMOUL

changer/change/cambiar

Mr. AL RUBAIDI (Yémen)	T	A
Sr. CABRERA (Paraguay)	T	A
M. CASIMIRO M'PITO (Angola)	T	A
M. DOMINGOS (Angola)	S	Suppléant de M. CASIMIRO M'PITO

¹ T: Regular member / membre Titulaire / miembro titular

A: Deputy member / membre adjoint / miembro adjunto

S: Substitute member / membre suppléant / miembro suplente

O: Observer member / membre observateur / miembro observadore

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Sr. ANDERSON (Panama)	-	T
Mr. KRZNARIC (Slovénie)	-	T
Mr. STAVROU (Chypre)	-	A
Mr. TIRON (Fédération de Russie)	-	A
M. WUTA (Angola)	-	T

changer/change/cambiar

Mr. BERLAN (Croatie)	A	T
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¹ T: Regular member / membre Titulaire / miembro titular

A: Deputy member / membre adjoint / miembro adjunto

S: Substitute member / membre suppléant / miembro suplente

O: Observer member / membre observateur / miembro observadore

REVISION OF THE WAGES, HOURS OF WORK AND MANNING CONVENTION (No 109) AND RECOMMENDATION
REVISION CONVENTION ET DE LA RECOMMANDATION No 109) SUR LES SALAIRES, LA DUREE DU TRAVAIL
A BORD ET LES EFFECTIFS

REVISION DEL CONVENIO Y DE LA RECOMENDACIÓN (NÚM 109) SOBRE SALARIOS, HORAS DE TRABAJO A
BORDO Y DOTACION

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Governments - Gouvernements - Gobiernos

add/ajouter/añadir

GABON	-	T
MAROC	-	A

Employers - Employeurs - Empleadores

add/ajouter/añadir

Mr. AZMI (Malaisie)	-	T
Sr. CABRERA (Paraguay)	-	A
Sr. ICAZA (Panama)	-	Suppléant de Sr. MANZANARES
M. IDOBE (Zaïre)	-	A
Mr. JURJEC (Slovénie)	-	T
Sr. MANZANARES (Panama)	-	A
Mr. MARCHANT (Royaume-Uni)	-	Suppléant de Mr. LUSTED
M. MUYUMBA (Zaïre)	-	Suppléant de M. IDOBE
M. RAMI (Algérie)	-	T
Sr. RODARTE CORDERO (Mexique)	-	A

changer/change/cambiar

M. LOBO DO NASCIMENTO (Angola)	T	A
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Workers - Travailleurs - Trabajadores

add/ajouter/añadir

M. WUTA (Angola)	-	A
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changer/change/cambiar

Mr. KEPP (Fédération de Russie)	T	A
Mr. ZYRIANOV (Fédération de Russie)	A	T

delete/supprimer/suprimir

Sr. DEL CID RAMOS (Panama)	T
Mr. KRZNARIC (Slovénie)	T

¹ T: Regular member / membre Titulaire / miembro titular

A: Deputy member / membre adjoint / miembro adjunto

S: Substitute member / membre suppléant / miembro suplente

O: Observer member / membre observateur / miembro observador

REVISION OF THE PLACING OF SEAMEN CONVENTION (No 9)

REVISION DE LA CONVENTION SUR LE PLACEMENT DES MARINS (No 9)

REVISION DEL CONVENIO SOBRE LA COLOCACION DE LA GENTE DE MAR (NÚM 9)

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Governments - Gouvernements - Gobiernos

add/ajouter/añadir

GABON	-	A
MAROC	-	T

Employers - Employeurs - Empleadores

add/ajouter/añadir

Mme HAMMOUTENE (Algérie)	-	T
Mr. HRAQ (Iraq)	-	A
Sr. ICAZA (Panama)	-	T
Sr. MANZANARES (Panama)	-	Suppléant de Sr. ICAZA

changer/change/cambiar

M. CASIMIRO M'PITO (Angola)	S	Suppléant de M. DOMINGOS
M. DOMINGOS (Angola)	T	A

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Sr. DEL CID RAMOS (Panama)	-	T
M. HOUMANI (Liban)	-	T
M. WUTA (Angola)	-	A

changer/change/cambiar

Sr. FERNANDEZ (Espagne)	T	A
Mr. MCMILLAN (Canada)	T	A
Sr. SILVA BERON (Chili)	T	A
Mr. SOUSA DE FIGUEIREDO (Brésil)	T	A
Mr. WOJCIK (Pologne)	T	A
M. ZAND (Zaire)	T	A

delete/supprimer/suprimir

Mr. BERLAN (Croatie)	T
Mr. BRIFFA (Malte)	T

**Provisional Record**

Eighty-fourth (Maritime) Session, Geneva, 1996

Reports of the Officers of the Conference**Third report**

In exercise of the powers and authority conferred upon them by the Conference at its first sitting, the Officers of the Conference have approved the following decisions with effect from 11 October 1996.

Changes in the composition of committees

The Officers of the Conference have approved the following changes in the composition of committees.

REVISION OF THE LABOUR INSPECTION (SEAMEN) RECOMMENDATION, (No. 28) AND PARTIAL REVISION OF THE MERCHANT SHIPPING (MINIMUM STANDARDS) CONVENTION (No 147)

REVISION DE LA RECOMMANDATION (No 28) SUR L'INSPECTION DU TRAVAIL (GENS DE MER) ET REVISION PARTIELLE DE LA CONVENTION (No 147) SUR LA MARINE MARCHANDE (NORMES MINIMA)

REVISION DE LA RECOMENDACION SOBRE LA INSPECCION DEL TRABAJO (GENTE DE MAR) (NÚM. 28) Y LA REVISIÓN PARCIAL DEL CONVENIO SOBRE LA MARINA MERCANTE (NORMAS MÍNIMAS) (NÚM 147)

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Governments - Gouvernements - Gobiernos*add/ajouter/añadir*

JAMAHIRIYA ARABE LIBYENNE	-	T
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Employers - Employeurs - Empleadores*add/ajouter/añadir*

Sr. APOLO (Equateur)	-	A
Mr. KESHAVARZ (République islamique d'Iran)	-	T
Mr. KIANI (République islamique d'Iran)	-	Suppléant de Mr. KESHAVARZ
Mr. LOREE (Etats-Unis)	-	Suppléant de Mr. COX

changer/change/cambiar

M. NUNES (Portugal)	T	A
M. PAULO FARINHA (Portugal)	S	Suppléant de M. NUNES

¹ T: Regular member / membre Titulaire / miembro titular

A: Deputy member / membre adjoint / miembro adjunto

S: Substitute member / membre suppléant / miembro suplente

O: Observer member / membre observateur / miembro observador

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

M. DIOUF (Sénégal)	-	T
Mr. EL DURSSI (Jamahiriya arabe libyenne)	-	T
M. FALL NIANG (Sénégal)	-	A

changer/change/cambiar

Mr. GAREEB (Iraq)	T	A
Mr. HANSSON (Suède)	T	A
Mr. STAVROU (Chypre)	A	T

¹ T: Regular member / membre Titulaire / miembro titular S: Substitute member / membre suppléant / miembro suplente
A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

REVISION OF THE WAGES, HOURS OF WORK AND MANNING CONVENTION (No 109) AND RECOMMENDATION
 REVISION CONVENTION ET DE LA RECOMMANDATION No 109) SUR LES SALAIRES, LA DUREE DU TRAVAIL
 A BORD ET LES EFFECTIFS
 REVISION DEL CONVENIO Y DE LA RECOMENDACIÓN (NÚM 109) SOBRE SALARIOS, HORAS DE TRABAJO A
 BORDO Y DOTACION

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Governments - Gouvernements - Gobiernos

add/ajouter/añadir

JAMAHIRIYA ARABE LIBYENNE	-	T
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Employers - Employeurs - Empleadores

add/ajouter/añadir

Mr. ABDOU (Egypte)	-	Suppléant de Mr. AMAR
Mr. AMAR (Egypte)	-	A
Sr. APOLO (Equateur)	-	A
Mr. KESHAVARZ (République islamique d'Iran)	-	Suppléant de Mr. KIANI
Mr. KIANI (République islamique d'Iran)	-	A

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

M. DIOUF (Sénégal)	-	A
M. FALL NIANG (Sénégal)	-	A

changer/change/cambiar

M. BLESER (Luxembourg)	T	A
M. BOAJA (Roumanie)	T	A
M. KIBISWA KWABENE (Zaire)	T	A
Mr. MONTEIRO SANT'ANNA (Brésil)	T	A

¹ T: Regular member / membre Titulaire / miembro titular S: Substitute member / membre suppléant / miembro suplente
 A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observador

REVISION OF THE PLACING OF SEAMEN CONVENTION (No 9)

REVISION DE LA CONVENTION SUR LE PLACEMENT DES MARINS (No 9)

REVISION DEL CONVENIO SOBRE LA COLOCACION DE LA GENTE DE MAR (NÚM 9)

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Governments - Gouvernements - Gobiernos

add/ajouter/añadir

JAMAHIRIYA ARABE LIBYENNE	-	T
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Employers - Employeurs - Empleadores

add/ajouter/añadir

Mr. AHLSTRÖM (Finlande)	-	A
Sr. APOLO (Equateur)	-	A

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

M. DIOUF (Sénégal)	-	A
M. FALL NIANG (Sénégal)	-	T

changer/change/cambiar

Mr. DALAKOGIORGOS (Grèce)	T	A
Sr. MARTINEZ RODRIGUEZ (Mexique)	T	A

**Provisional Record**

Eighty-fourth (Maritime) Session, Geneva, 1996

Reports of the Officers of the Conference**Fourth report**

In exercise of the powers and authority conferred upon them by the Conference at its first sitting, the Officers of the Conference have approved the following decisions with effect from 12 October 1996.

Changes in the composition of committees

The Officers of the Conference have approved the following changes in the composition of the committees.

REVISION OF THE LABOUR INSPECTION (SEAMEN) RECOMMENDATION, (No 28) AND PARTIAL REVISION OF THE MERCHANT SHIPPING (MINIMUM STANDARDS) CONVENTION (No 147)

REVISION DE LA RECOMMANDATION (No 28) SUR L'INSPECTION DU TRAVAIL (GENS DE MER) ET REVISION PARTIELLE DE LA CONVENTION (No 147) SUR LA MARINE MARCHANDE (NORMES MINIMA)

REVISION DE LA RECOMENDACION SOBRE LA INSPECCION DEL TRABAJO (GENTE DE MAR) (NÚM. 28) Y LA REVISIÓN PARCIAL DEL CONVENIO SOBRE LA MARINA MERCANTE (NORMAS MÍNIMAS) (NÚM 147)

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Employers - Employeurs - Empleadores*changer/change/cambiar*

Sr. SANCHEZ (Espagne)	S	Suppléant de Sr. SISTIAGA
Sr. SANTIAGO (Espagne)	S	Suppléant de Sr. SISTIAGA
Sr. SISTIAGA (Espagne)	T	A

Workers - Travailleurs - Trabajadores*add/ajouter/añadir*

M. ANDRÉ (Angola)	-	A
M. ATANASIU (Roumanie)	-	T
Mr. MIR (République islamique d'Iran)	-	A

changer/change/cambiar

Mr. CHRISTODOULOU (Chypre)	T	A
M. MAKOPPO (Zaïre)	T	A

¹ T: Regular member / membre Titulaire / miembro titular

A: Deputy member / membre adjoint / miembro adjunto

S: Substitute member / membre suppléant / miembro suplente

O: Observer member / membre observateur / miembro observador

Mr. NAKANISHI (Japon)	T	A
Mr. TAGUCHI (Japon)	A	T
Mr. UKKONEN (Finlande)	A	T
<i>delete/supprimer/suprimir</i>		
Mr. GYLLENBERG (Finlande)	T	

¹ T: Regular member / membre Titulaire / miembro titular
A: Deputy member / membre adjoint / miembro adjunto

S: Substitute member / membre suppléant / miembro suplente
O: Observer member / membre observateur / miembro observadore

REVISION OF THE WAGES, HOURS OF WORK AND MANNING CONVENTION AND RECOMMENDATION (No 109)

REVISION DE LA CONVENTION ET DE LA RECOMMANDATION (No 109) SUR LES SALAIRES, LA DUREE DU TRAVAIL A BORD ET LES EFFECTIFS

REVISION DEL CONVENIO Y DE LA RECOMENDACIÓN (NÚM 109) SOBRE SALARIOS, HORAS DE TRABAJO A BORDO Y DOTACION

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

M. ANDRÉ (Angola)	-	T
M. ILIESCU (Roumanie)	-	T
Mr. MIR (République islamique d'Iran)	-	T
M. SOMMARIVA (Italie)	-	T

changer/change/cambiar

Mr. CALAMATTA (Malte)	T	A
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¹ T: Regular member / membre Titulaire / miembro titular S: Substitute member / membre suppléant / miembro suplente
A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

REVISION OF THE PLACING OF SEAMEN CONVENTION (No 9)

REVISION DE LA CONVENTION SUR LE PLACEMENT DES MARINS (No 9)

REVISION DEL CONVENIO SOBRE LA COLOCACION DE LA GENTE DE MAR (NÚM 9)

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mr. POPOV (Fédération de Russie)	-	A
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M. STICI (Roumanie)	-	A
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changer/change/cambiar

Mr. IDEMOTO (Japon)	T	A
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Ms. WILLEMO (Suède)	T	A
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**Reports of the Officers of the Conference****Fifth report**

In exercise of the powers and authority conferred upon them by the Conference at its first sitting, the Officers of the Conference have approved the following decisions with effect from 15 October 1996.

Changes in the composition of committees

The Officers of the Conference have approved the following changes in the composition of the committees.

REVISION OF THE LABOUR INSPECTION (SEAMEN) RECOMMENDATION, (No 28) AND PARTIAL REVISION OF THE MERCHANT SHIPPING (MINIMUM STANDARDS) CONVENTION (No 147)

REVISION DE LA RECOMMANDATION (No 28) SUR L'INSPECTION DU TRAVAIL (GENS DE MER) ET REVISION PARTIELLE DE LA CONVENTION (No 147) SUR LA MARINE MARCHANDE (NORMES MINIMA)

REVISION DE LA RECOMENDACION SOBRE LA INSPECCION DEL TRABAJO (GENTE DE MAR) (NÚM. 28) Y LA REVISIÓN PARCIAL DEL CONVENIO SOBRE LA MARINA MERCANTE (NORMAS MÍNIMAS) (NÚM 147)

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Employers - Employeurs - Empleadores

changer/change/cambiar

Mr. BHAKDIBADHANABANIJ (Thaïlande)	T	A
M. JUNDI (République arabe syrienne)	S	Suppléant de M. RAZZOUK
M. RAZZOUK (République arabe syrienne)	T	A

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mr. GYLLENBERG (Finlande)	-	T
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changer/change/cambiar

Mr. BENZE (Allemagne)	T	A
Mr. EL DURSSI (Jamahiriya arabe libyenne)	T	A
Mr. HANSSON (Suède)	A	T
Mr. UKKONEN (Finlande)	T	A

¹ T: Regular member / membre Titulaire / miembro titular

A: Deputy member / membre adjoint / miembro adjunto

S: Substitute member / membre suppléant / miembro suplente

O: Observer member / membre observateur / miembro observadore

REVISION OF THE WAGES, HOURS OF WORK AND MANNING CONVENTION AND RECOMMENDATION (No 109)

REVISION DE LA CONVENTION ET DE LA RECOMMANDATION (No 109) SUR LES SALAIRES, LA DUREE DU TRAVAIL A BORD ET LES EFFECTIFS

REVISION DEL CONVENIO Y DE LA RECOMENDACIÓN (NÚM 109) SOBRE SALARIOS, HORAS DE TRABAJO A BORDO Y DOTACION

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Employers - Employeurs - Empleadores

add/ajouter/añadir

Mr. MCGINTY (Irlande)	-	A
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changer/change/cambiar

Mr. KRAGIC (Croatie)	S	A
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delete/supprimer/suprimir

Mr. DINGLI (Malte)	A	
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Mr. JOSEPHIDES (Chypre)	S	
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Mr. JURJEC (Slovénie)	T	
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Mr. MASUI (Japon)	S	
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Ms. POSPISIC-MILER (Croatie)	A	
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Workers - Travailleurs - Trabajadores

changer/change/cambiar

M. ANDRÉ (Angola)	T	A
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Sr. SUAREZ (Argentine)	T	A
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delete/supprimer/suprimir

Mr. CALAMATTA (Malte)	A	
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¹ T: Regular member / membre Titulaire / miembro titular

A: Deputy member / membre adjoint / miembro adjunto

S: Substitute member / membre suppléant / miembro suplente

O: Observer member / membre observateur / miembro observadore

REVISION OF THE PLACING OF SEAMEN CONVENTION (No 9)

REVISION DE LA CONVENTION SUR LE PLACEMENT DES MARINS (No 9)

REVISION DEL CONVENIO SOBRE LA COLOCACION DE LA GENTE DE MAR (NÚM 9)

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Employers - Employeurs - Empleadores

delete/supprimer/suprimir

Mr. ZAMARIANOV (Fédération de Russie)	S
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Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mr. STAMATOPOULOS (Grèce)	-	A
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changer/change/cambiar

M. FALL NIANG (Sénégal)	T	A
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Sr. MARTINEZ RODRIGUEZ (Mexique)	A	T
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Ms. WILLEMO (Suède)	A	T
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delete/supprimer/suprimir

M. POPESCU (Roumanie)	T
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Mr. SORENSEN (Danemark)	A
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Mr. THEMNER (Suède)	A
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¹ T: Regular member / membre Titulaire / miembro titular S: Substitute member / membre suppléant / miembro suplente
A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

No. 1D - Tuesday, 15 October 1996

**Reports of the Officers of the Conference****Sixth report**

In exercise of the powers and authority conferred upon them by the Conference at its first sitting, the Officers of the Conference have approved the following decisions.

Changes in the composition of committees

The Officers of the Conference have approved the following changes in the composition of the committees with effect from the next sitting of the committee concerned.

REVISION OF THE LABOUR INSPECTION (SEAMEN) RECOMMENDATION, (No 28) AND PARTIAL REVISION OF THE MERCHANT SHIPPING (MINIMUM STANDARDS) CONVENTION (No 147)

REVISION DE LA RECOMMANDATION (No 28) SUR L'INSPECTION DU TRAVAIL (GENS DE MER) ET REVISION PARTIELLE DE LA CONVENTION (No 147) SUR LA MARINE MARCHANDE (NORMES MINIMA)

REVISION DE LA RECOMENDACION SOBRE LA INSPECCION DEL TRABAJO (GENTE DE MAR) (NÚM. 28) Y LA REVISIÓN PARCIAL DEL CONVENIO SOBRE LA MARINA MERCANTE (NORMAS MÍNIMAS) (NÚM 147)

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Governments - Gouvernements - Gobiernos

add/ajouter/añadir

GABON	-	A
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Employers - Employeurs - Empleadores

changer/change/cambiar

Mr. BHAKDIBADHANABANIJ (Thaïlande)	A	T
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delete/supprimer/suprimir

Mme DION (France)	S	
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Workers - Travailleurs - Trabajadores

changer/change/cambiar

Mr. NAKANISHI (Japon)	A	T
Mr. TAGUCHI (Japon)	T	A

¹ T: Regular member / membre Titulaire / miembro titular

A: Deputy member / membre adjoint / miembro adjunto

S: Substitute member / membre suppléant / miembro suplente

O: Observer member / membre observateur / miembro observadore

REVISION OF THE WAGES, HOURS OF WORK AND MANNING CONVENTION AND RECOMMENDATION (No 109)

REVISION DE LA CONVENTION ET DE LA RECOMMANDATION (No 109) SUR LES SALAIRES, LA DUREE DU TRAVAIL A BORD ET LES EFFECTIFS

REVISION DEL CONVENIO Y DE LA RECOMENDACIÓN (NÚM 109) SOBRE SALARIOS, HORAS DE TRABAJO A BORDO Y DOTACION

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Employers - Employeurs - Empleadores

delete/supprimer/suprimir

Mme DION (France)	S
Mr. ILTER (Turquie)	A

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mr. BRIFFA (Malte)	-	A
Mr. CHRISTODOULOU (Chypre)	-	A

delete/supprimer/suprimir

Mr. ABRAHAMSSON (Suède)	T
Mr. KAM (Singapour)	T

¹ T: Regular member / membre Titulaire / miembro titular

A: Deputy member / membre adjoint / miembro adjunto

S: Substitute member / membre suppléant / miembro suplente

O: Observer member / membre observateur / miembro observador

REVISION OF THE PLACING OF SEAMEN CONVENTION (No 9)

REVISION DE LA CONVENTION SUR LE PLACEMENT DES MARINS (No 9)

REVISION DEL CONVENIO SOBRE LA COLOCACION DE LA GENTE DE MAR (NÚM 9)

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Employers - Employeurs - Empleadores

delete/supprimer/suprimir

Mme DION (France)	S	
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Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mr. THEMNER (Suède)	-	A
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changer/change/cambiar

Mr. IDEMOTO (Japon)	A	T
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¹ T: Regular member / membre Titulaire / miembro titular

A: Deputy member / membre adjoint / miembro adjunto

S: Substitute member / membre suppléant / miembro suplente

O: Observer member / membre observateur / miembro observadore

**Reports of the Officers of the Conference****Seventh report**

In exercise of the powers and authority conferred upon them by the Conference at its first sitting, the Officers of the Conference have approved the following decisions.

Changes in the composition of committees

The Officers of the Conference have approved the following changes in the composition of the committees with effect from the next sitting of the committee concerned.

REVISION OF THE LABOUR INSPECTION (SEAMEN) RECOMMENDATION, (No 28) AND PARTIAL REVISION OF THE MERCHANT SHIPPING (MINIMUM STANDARDS) CONVENTION (No 147)

REVISION DE LA RECOMMANDATION (No 28) SUR L'INSPECTION DU TRAVAIL (GENS DE MER) ET REVISION PARTIELLE DE LA CONVENTION (No 147) SUR LA MARINE MARCHANDE (NORMES MINIMA)

REVISION DE LA RECOMENDACION SOBRE LA INSPECCION DEL TRABAJO (GENTE DE MAR) (NÚM. 28) Y LA REVISIÓN PARCIAL DEL CONVENIO SOBRE LA MARINA MERCANTE (NORMAS MÍNIMAS) (NÚM 147)

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Employers - Employeurs - Empleadores

delete/supprimer/suprimir

Sr. APOLO (Equateur)	A
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Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mr. MAOUNIS (Grèce)	-	T
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changer/change/cambiar

M. DIOUF (Sénégal)	T	A
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Mr. LAMUG (Philippines)	T	A
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Mr. TOUWEN (Pays-Bas)	T	A
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Mr. VRIESEN (Pays-Bas)	A	T
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¹ T: Regular member / membre Titulaire / miembro titular

A: Deputy member / membre adjoint / miembro adjunto

S: Substitute member / membre suppléant / miembro suplente

O: Observer member / membre observateur / miembro observadore

REVISION OF THE WAGES, HOURS OF WORK AND MANNING CONVENTION AND RECOMMENDATION (No 109)

REVISION DE LA CONVENTION ET DE LA RECOMMANDATION (No 109) SUR LES SALAIRES, LA DUREE DU TRAVAIL A BORD ET LES EFFECTIFS

REVISION DEL CONVENIO Y DE LA RECOMENDACIÓN (NÚM 109) SOBRE SALARIOS, HORAS DE TRABAJO A BORDO Y DOTACION

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Employers - Employeurs - Empleadores

add/ajouter/añadir

Mrs. MELKONIAN (Bulgarie)	-	A
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delete/supprimer/suprimir

Sr. APOLO (Equateur)	A	
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Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mr. LAGERBERG (Finlande)	-	A
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REVISION OF THE PLACING OF SEAMEN CONVENTION (No 9)

REVISION DE LA CONVENTION SUR LE PLACEMENT DES MARINS (No 9)

REVISION DEL CONVENIO SOBRE LA COLOCACION DE LA GENTE DE MAR (NÚM 9)

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Employers - Employeurs - Empleadores

delete/supprimer/suprimir

Sr. APOLO (Equateur)	A	
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International Labour Conference

Provisional Record

1G

Eighty-fourth (Maritime) Session, Geneva, October 1996

Reports of the Officers of the Conference

Eighth report

In exercise of the powers and authority conferred upon them by the Conference at its first sitting, the Officers of the Conference have approved the following decisions.

Changes in the composition of committees

The Officers of the Conference have approved the following changes in the composition of the committees with effect from the next sitting of the committee concerned.

REVISION OF THE LABOUR INSPECTION (SEAMEN) RECOMMENDATION, (No 28) AND PARTIAL REVISION OF THE MERCHANT SHIPPING (MINIMUM STANDARDS) CONVENTION (No 147)

REVISION DE LA RECOMMANDATION (No 28) SUR L'INSPECTION DU TRAVAIL (GENS DE MER) ET REVISION PARTIELLE DE LA CONVENTION (No 147) SUR LA MARINE MARCHANDE (NORMES MINIMA)

REVISION DE LA RECOMENDACION SOBRE LA INSPECCION DEL TRABAJO (GENTE DE MAR) (NÚM. 28) Y LA REVISIÓN PARCIAL DEL CONVENIO SOBRE LA MARINA MERCANTE (NORMAS MÍNIMAS) (NÚM 147)

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Employers - Employeurs - Empleadores

delete/supprimer/suprimir

Mrs. MIDELFART (Norvège)	A
Mrs. STEEN (Norvège)	S

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Sr. DEL CID RAMOS (Panama)	-	A
Mr. HARRIS (Libéria)	-	T

changer/change/cambiar

Mr. BENZE (Allemagne)	A	T
M. WUTA (Angola)	T	A

¹ T: Regular member / membre Titulaire / miembro titular

A: Deputy member / membre adjoint / miembro adjunto

S: Substitute member / membre suppléant / miembro suplente

O: Observer member / membre observateur / miembro observadore

REVISION OF THE WAGES, HOURS OF WORK AND MANNING CONVENTION AND RECOMMENDATION (No 109)

REVISION DE LA CONVENTION ET DE LA RECOMMANDATION (No 109) SUR LES SALAIRES, LA DUREE DU TRAVAIL A BORD ET LES EFFECTIFS

REVISION DEL CONVENIO Y DE LA RECOMENDACIÓN (NÚM 109) SOBRE SALARIOS, HORAS DE TRABAJO A BORDO Y DOTACION

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Workers - Travailleurs - Trabajadores

changer/change/cambiar

M. KIBISWA KWABENE (Zaïre)

A

T

REVISION OF THE PLACING OF SEAMEN CONVENTION (No 9)

REVISION DE LA CONVENTION SUR LE PLACEMENT DES MARINS (No 9)

REVISION DEL CONVENIO SOBRE LA COLOCACION DE LA GENTE DE MAR (NÚM 9)

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Employers - Employeurs - Empleadores

delete/supprimer/suprimir

Mrs. MIDELFART (Norvège)

S



Reports of the Officers of the Conference

Ninth report

In exercise of the powers and authority conferred upon them by the Conference at its first sitting, the Officers of the Conference have approved the following decisions.

Changes in the composition of committees

The Officers of the Conference have approved the following changes in the composition of the committees with effect from the next sitting of the committee concerned.

REVISION OF THE LABOUR INSPECTION (SEAMEN) RECOMMENDATION, (No 28) AND PARTIAL REVISION OF THE MERCHANT SHIPPING (MINIMUM STANDARDS) CONVENTION (No 147)

REVISION DE LA RECOMMANDATION (No 28) SUR L'INSPECTION DU TRAVAIL (GENS DE MER) ET REVISION PARTIELLE DE LA CONVENTION (No 147) SUR LA MARINE MARCHANDE (NORMES MINIMA)

REVISION DE LA RECOMENDACION SOBRE LA INSPECCION DEL TRABAJO (GENTE DE MAR) (NÚM. 28) Y LA REVISIÓN PARCIAL DEL CONVENIO SOBRE LA MARINA MERCANTE (NORMAS MÍNIMAS) (NÚM 147)

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Employers - Employeurs - Empleadores

delete/supprimer/suprimir

Ms. ENGSTRÖM (Suède)	T
Mr. FRANSSON (Suède)	S

¹ T: Regular member / membre Titulaire / miembro titular S: Substitute member / membre suppléant / miembro suplente
A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

REVISION OF THE WAGES, HOURS OF WORK AND MANNING CONVENTION AND RECOMMENDATION (No 109)

REVISION DE LA CONVENTION ET DE LA RECOMMANDATION (No 109) SUR LES SALAIRES, LA DUREE DU TRAVAIL A BORD ET LES EFFECTIFS

REVISION DEL CONVENIO Y DE LA RECOMENDACIÓN (NÚM 109) SOBRE SALARIOS, HORAS DE TRABAJO A BORDO Y DOTACION

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Employers - Employeurs - Empleadores

add/ajouter/añadir

Mr. AL AHRASH (Jamahiriya arabe libyenne)	-	A
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Mr. JURJEC (Slovénie)	-	T
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changer/change/cambiar

Mr. KÖSTER (Allemagne)	S	A
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delete/supprimer/suprimir

Mr. BREUER (Allemagne)	T	
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Mr. IFWARSSON (Suède)	S	
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Mrs. STEEN (Norvège)	S	
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Provisional Record

Eighty-fourth (Maritime) Session, Geneva, 1996

Credentials

Brief report by Mr. J. Arrate Mac Niven, Chairman of the Governing Body of the International Labour Office, on the credentials of delegates and advisers to the 84th (Maritime) Session of the International Labour Conference (Geneva, 7 October 1996)

The Chairman of the Governing Body of the International Labour Office has the honour to present the customary report prescribed by article 26 of the Standing Orders of the International Labour Conference.

The composition of each delegation and the method of appointment of delegates and advisers to the sessions of the International Labour Conference are governed by article 3 of the Constitution of the International Labour Organization.

In accordance with paragraphs 8 and 9 of this article, it is for the governments to communicate to the International Labour Office the nominations made. The Conference examines these nominations and decides, in the case of dispute, whether delegates and advisers have been nominated in accordance with article 3 of the Constitution.

The Conference exercises this power in accordance with the procedure laid down in articles 5 and 26 of its Standing Orders.

In particular, paragraph 2 of article 26 of the Standing Orders of the Conference provides that "a brief report upon these credentials, drawn up by the Chairman of the Governing Body, shall, with the credentials, be open to inspection by the delegates on the day before the opening of the session of the Conference and shall be published as an appendix to the record of the first sitting".

The present report is submitted in compliance with this provision. The list given in the table below was closed on Monday, 7 October 1996 in order that it might be available for inspection by the members of the delegations that same day, that is, the day before the opening of the Conference.

In addition, the present report serves for fixing provisionally, in accordance with paragraph 1(2) of article 20 of the Standing Orders of the Conference, the quorum necessary to give validity to the votes taken.

The table below, based on the files containing the names of the delegates and advisers and the credentials with which they have been provided or the official communications transmitted to the International Labour Office, shows the

numerical composition of the Conference. It is to be noted in this regard that persons who have been nominated both as substitute delegates and as advisers, in the letters communicating the nominations, have been included among the advisers.

To date, 76 States have notified the names of the members of the delegations. It is to be noted that only 25 countries deposited the credentials of their delegations with the International Labour Office before 23 September 1996, that is within the 15-day deadline before the date fixed for the opening of the Conference, in compliance with paragraph 1 of article 26 of the Standing Orders of the Conference.

On the other hand, while the Conference and the Credentials Committee have already previously insisted on the obligation which article 3 of the Constitution imposes on governments requiring them to send complete delegations to the Conference, eight countries (Colombia, Costa Rica, Ethiopia, Gabon, Kenya, Kuwait, Pakistan, Viet Nam) had nominated only Government delegates, four countries (Belgium, Brazil, Mexico, Nigeria) had nominated a Workers' delegate but not an Employers' delegate, and three countries (Ecuador, Paraguay, Yemen) had nominated an Employers' delegate but not a Workers' delegate.

It should be noted, finally, that in the letters or facsimiles communicating their nominations, a certain number of governments have not mentioned the employers' and workers' organizations which they have consulted and with which they have come to an agreement in appointing Employers' and Workers' delegates in accordance with paragraph 5 of article 3 of the Constitution or have not confirmed that they were paying the travelling and subsistence expenses of their delegates and advisers in accordance with paragraph 2(a) of article 13 of the Constitution. In this regard, in order to ensure greater clarity in establishing the credentials, it would be advisable that governments use, for the nomination of delegates and advisers, the form enclosed with the letter of convocation and the Memorandum on the Conference which the Office addresses each session to member States.

Finally, I should like to urge delegates and advisers to register in person at the Information and Reception Desk, the quorum being calculated on the basis of the number of delegates registered.

Composition of the Conference and quorum

At present 142 Government delegates, 64 Employers' delegates and 65 Workers' delegates — a total of 271 delegates — are accredited to the Conference.

There are, in addition, 235 Government advisers, 96 Employers' advisers and 133 Workers' advisers — a total of 464 advisers.

The total number of delegates and advisers who have been nominated in conformity with the provisions of the Constitution of the Organization to take part in the work of the Conference is 735.

Since five of the States¹ now represented are in arrears in the payment of their contributions to the Organization, those Members, under the terms of paragraph 4 of article 13 of the Constitution, may not at present participate in the

¹ Angola, Congo, Iraq, Liberia, Zaire.

voting in the Conference or any of its committees. Account is therefore not taken of 19 delegates in calculating the quorum. In addition, seven delegates representing incomplete delegations are not taken into account in accordance with article 4, paragraph 2, of the Constitution.

In conformity with article 17 of the Constitution and with article 20 of the Standing Orders of the Conference, the necessary quorum to give a vote validity will provisionally be 123.

Observers

On the invitation of the Governing Body of the International Labour Office, the Holy See has appointed an observer delegation to the Conference.

Organizations invited

The Conference is also being attended by:

- representatives of the United Nations and some of its organs, invited by virtue of Article II, paragraph 1 — relating to reciprocal representation — of the Agreement between the United Nations and the International Labour Organization, which came into effect on 14 December 1946;
- representatives of specialized agencies and other official international organizations, invited in conformity with article 2, paragraph 3(b) of the Standing Orders of the Conference;
- representatives of non-governmental international organizations with which consultative relations have been established, invited in conformity with article 2, paragraph 3(j) of the Standing Orders of the Conference;
- representatives of other non-governmental international organizations also invited in conformity with article 2, paragraph 3(j) of the Standing Orders of the Conference.

A list of these representatives is appended to the List of Delegations published as a supplement to the Provisional Record of the Conference.

Geneva, 7 October 1996.

(Signed) J. ARRATE MAC NIVEN

- 1) Government delegates
2) Government advisers
3) Employers' delegates

- 4) Employers' advisers
5) Workers' delegates
6) Workers' advisers

List of accredited delegates and advisers

	1)	2)	3)	4)	5)	6)	1)	2)	3)	4)	5)	6)
Alghanistan.....												
Albania.....												
Algeria.....	2	5	1	3	1	2						
Angola.....	2	1	1	5	1	2						
Antigua and Barbuda.....												
Argentina.....	2	1	1	2	1	8						
Armenia.....												
Australia.....	2	1	1	1	1	1						
Austria.....												
Azerbaijan.....												
Bahamas.....												
Bahrain.....												
Bangladesh.....												
Barbados.....												
Belarus.....												
Belgium.....	2	5	1	1	1	1						
Belize.....												
Benin.....												
Bolivia.....												
Bosnia and Herzegovina.....												
Botswana.....												
Brazil.....	2	2	1	1	2	1						
Bulgaria.....	2	4	1	1	1	1						
Burkina Faso.....												
Burundi.....												
Cambodia.....												
Cameroun.....												
Canada.....	2	1	1	1	1	1						
Cape Verde.....												
Central African Republic.....												
Chad.....												
Chile.....	2	6	1	1	1	4						
China.....	2	1	1	3	1	3						
Colombia.....												
Comoros.....												
Congo.....	1	5	1	1	1	1						
Costa Rica.....												
Côte d'Ivoire.....												
Croatia.....	2	2	1	1	1	1						
Cuba.....	2	3	1	1	1	1						
Cyprus.....	2	2	1	4	1	4						
Czech Republic.....												
Denmark.....	2	6	1	3	1	7						
Djibouti.....												
Dominica.....												
Dominican Republic.....												
Ecuador.....												
Egypt.....	2	5	1	1	1	1						
El Salvador.....												
Equatorial Guinea.....	2	1	1	5	1	2						
Eritrea.....												
Estonia.....	2	1	1	1	1	1						
Ethiopia.....												
Fiji.....												
Finland.....												
France.....	2	7	1	5	1	5						
Gabon.....	2	1	1	1	1	1						
Gambia.....												
Georgia.....												
Germany.....	2	5	1	2	1	3						
Ghana.....												
Greece.....	2	2	1	1	1	5						
Grenada.....												
Guatemala.....												
Guinea.....												
Guinea-Bissau.....												
Guyana.....												
Haiti.....	2	2	1	1	2	1						
Honduras.....												
Hungary.....												
Iceland.....												
India.....												
Indonesia.....												
Islamic Republic of Iran.....												
Iraq.....												
Ireland.....												
Israel.....												
Italy.....	2	6	1	1	1	4						
Jamaica.....	2	1	1	3	1	3						
Japan.....												
Jordan.....												
Kazakhstan.....												
Kenya.....												
Republic of Korea.....												
Kuwait.....	2	4	1	1	1	1						
Kyrgyzstan.....												
Latvia.....												
Lebanon.....												
Lesotho.....												
Liberia.....	2	3	1	1	1	1						
Libyan Arab Jamahiriya.....	2	3	1	1	1	1						
Lithuania.....												
Luxembourg.....	2	9	1	2	1	3						
Madagascar.....												
Malawi.....												
Malaysia.....	2	5	1	1	1	1						
Mali.....												
Malta.....	2	3	1	1	1	2						
Mauritania.....												
Mauritius.....												
Mexico.....	2	1	1	1	1	2						
Republic of Moldova.....												
Mongolia.....												
Morocco.....	2											
Mozambique.....												
Myanmar.....												
Namibia.....	2	1	1	1	1	1						
Nepal.....												
Netherlands.....	2	8	1	2	1	3						
New Zealand.....	2	1	1	1	1	1						
Nicaragua.....												
Niger.....												
Nigeria.....	2	4	1	1	3	1						
Norway.....	2	2	1	2	1	2						
Oman.....												
Pakistan.....	2	1	1	1	1	1						
Panama.....	2	3	1	1	1	3						
Papua New Guinea.....	2	7	1	1	1	2						
Paraguay.....	2	3	1	1	1	1						
Peru.....	2	1	1	1	1	1						
Philippines.....	2	3	1	1	1	2						
Poland.....	2	6	1	3	1	4						
Portugal.....	2	6	1	2	1	4						
Qatar.....												
Romania.....	2	7	1	6	1	6						
Russian Federation.....	2	12	1	5	1	8						
Rwanda.....												
Saint Kitts and Nevis.....												
Saint Lucia.....	2	2	1	1	1	1						
Saint Vincent and the Grenadines.....	2	4	1	1	1	1						
San Marino.....												
Sao Tome and Principe.....												
Saudi Arabia.....												
Senegal.....	2	1	3	1	1	1						
Seychelles.....												
Sierra Leone.....	2	3	1	1	1	1						
Singapore.....	2	3	1	1	1	1						
Slovakia.....												
Slovenia.....	2	3	1	1	1	1						
Solomon Islands.....	2	2	1	1	1	1						
Somalia.....												
South Africa.....												
Spain.....	2	8	1	3	1	6						
Sri Lanka.....												
Sudan.....												
Suriname.....												
Swaziland.....												
Sweden.....												
Switzerland.....	2	5	1	3	1	4						
Syrian Arab Republic.....	2	3	1	1	1	1						
Tajikistan.....	2	1	1	1	1	1						
Tanzania.....												
Thailand.....												
The Former Yugoslav Republic of Macedonia.....	2	1	1	1	1	1						
Togo.....												
Trinidad and Tobago.....	2	8	1	2	1	3						
Tunisia.....	2	1	1	1	1	1						
Turkey.....	2	4	1	1	3	1						
Turkmenistan.....	2	2	1	2	1	2						
Ukraine.....	2	2	1	1	1	1						
United Arab Emirates.....	2	1	1	1	1	1						
United Kingdom.....	2	3	1	1	1	3						
United States.....	2	8	1	5	1	5						
Uruguay.....	2	2	1	1	1	1						
Uzbekistan.....	2	2	1	1	1	1						
Venezuela.....	2	3	1	1	1	2						
Viet Nam.....	2	6	1	3	1	4						
Yemen.....	2	6	1	2	1	4						
Yugoslavia.....												
Zaire.....												
Zambia.....	2	7	1	6	1	6						
Zimbabwe.....	2	12	1	5	1	8						
Total.....	142	235	64	96	65	133						

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Brief report by Mr. Arrate Mac Niven, Chairman of the Governing Body of the International labour Office, on the credentials of delegates and advisers to the 84th (Maritime) Session of the International Labour Conference (Geneva, 7 October 1996)	1
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Provisional Record

Eighty-fourth (Maritime) Session, Geneva, 1996

Credentials

First report of the Credentials Committee

1. The Credentials Committee of the 84th (Maritime) Session of the Conference is composed of Mr. U.B. Dax, Government delegate, Namibia, Chairman; Mr. H.C. Springborg, Employers' delegate, Denmark; and Mr. J.E. Vriesen, Workers' adviser and substitute delegate, Netherlands.

Composition of the Conference

2. Since the signing of the brief report made by the Chairman of the Governing Body of the International Labour Office (*Provisional Record No. 3*), a number of modifications have occurred in the composition of the Conference.

3. The number of member States of the International Labour Organization represented at the Conference is at present 85 out of a total membership of 174.

Accredited delegates and advisers

4. The total number of accredited delegates is 290, comprising 158 Government delegates, 66 Employers' delegates and 66 Workers' delegates.

5. There are 472 accredited advisers, comprising 242 Government advisers, 98 Employers' advisers and 132 Workers' advisers.

6. The total number of accredited delegates and advisers is therefore 762.

7. With regard to the resolution concerning the participation of women in ILO meetings, adopted by the Conference at its 67th Session in June 1981, the Credentials Committee wishes to inform the Conference that there are 20 women among the 290 delegates accredited to the Conference and 55 women among the 472 accredited advisers. The total number of women accredited to the Conference is therefore 75, i.e. 9.84 per cent of the total number of delegates and advisers as against 6.46 per cent attending the last Maritime Session of the Conference in 1987.

Registered delegates and advisers

8. The following is the present situation concerning the registration of delegates, which (in accordance with practice, approved by this session of the Conference) is the basis for determining the quorum for voting.

9. At this time the number of registered delegates is 237, comprising 128 Government delegates, 55 Employers' delegates and 54 Workers' delegates.

10. In addition, the number of registered advisers is 363, comprising 200 Government advisers, 67 Employers' advisers and 96 Workers' advisers.

Quorum

11. Seventeen advisers, who are substitutes to delegates who have not registered, are taken into account in calculating the voting strength of the Conference.

12. Since six States¹ represented at the Conference are in arrears in the payment of their financial contributions to the Organization so as to come within the terms of paragraph 4 of article 13 of the Constitution, these States may not at present participate in the voting in the Conference or in its committees. The 12 registered delegates designated by these States are hence not taken into consideration in fixing the quorum. Account has also not been taken of five delegates, three Employers' delegates (Ecuador, Paraguay and Yemen) and two Workers' delegates (Brazil and Senegal), who do not have the right to vote in accordance with paragraph 2 of article 4 of the Constitution, as their countries have not nominated a Workers' delegate and an Employers' delegate, respectively.

13. At the present time the quorum required to give a vote validity is therefore 119.

14. The Committee urgently appeals to delegates present at the Conference to register and to indicate their departure so that the quorum will be as nearly exact as possible and that their presence or absence can be taken into account in its calculation.

Incomplete delegations

15. The Committee notes that, at the present time, the delegations of 16 countries are exclusively governmental.² Three other delegations mentioned in the brief report of the Chairman of the Governing Body (Kuwait, Mexico and Nigeria) are now fully tripartite. In addition, three countries (Belgium, Brazil and Senegal) have not appointed an Employers' delegate and three countries (Ecuador, Paraguay and Yemen) have not appointed a Workers' delegate. The Committee wishes to affirm once again the necessity for governments to comply with the requirement of article 3 of the Constitution that a complete tripartite delegation be sent to the Conference. The Committee recalls that, pursuant to a decision of the Governing Body, the Director-General each year requests the governments of all member States which did not send complete tripartite delegations to the Conference to indicate the reasons for their failure to do so, and that the information received in reply to that request is duly communicated to the Governing Body.

¹ Angola, Congo, Haiti, Iraq, Liberia, Zaire.

² Bangladesh, Colombia, Costa Rica, Czech Republic, Ethiopia, Gabon, Haiti, Honduras, Jordan, Kenya, Mongolia, Morocco, Pakistan, Peru, Viet Nam, Zambia.

16. The Committee also notes that there is some imbalance between the number of advisers to the delegates of each group and also between the number of Employers' and Workers' advisers. It once again urges governments to take greater account, when nominating delegations, of the proportions in the composition of the Conference envisaged by paragraphs 1 and 2 of article 3 of the Constitution. The Committee further recalls the request contained in the resolution concerning the strengthening of tripartism in the overall activities of the International Labour Organization, adopted by the Conference in 1971, and expresses the hope that governments will accord equal treatment to each of the groups when appointing advisers to their country's delegation to the International Labour Conference. The Committee recalls in this connection the obligation of Members under article 13, paragraph 2(a), of the Constitution to pay the travelling and subsistence expenses of their delegates and advisers and trusts that this obligation will be respected for the whole duration of the Conference.

Observers

17. In addition to the observer delegations mentioned in the brief report of the Chairman of the Governing Body, an observer delegation from the Democratic People's Republic of Korea is attending the Conference.

Organizations and liberation movement invited

18. The Conference is also being attended by:
- representatives of the United Nations and some of its organs invited by virtue of article II, paragraph (1) — relating to reciprocal representation of the Agreement between the United Nations and the International Labour Organization, which came into effect on 14 December 1946;
 - representatives of specialized agencies and other official international organizations, invited in accordance with article 2, paragraph 3(b), of the Standing Orders of the Conference;
 - representatives of non-governmental international organizations with which consultative relations have been established, invited in accordance with article 2, paragraph 3(j), of the Standing Orders of the Conference;
 - representatives of other non-governmental international organizations also invited in accordance with article 2, paragraph 3(j), of the Standing Orders of the Conference;
 - representatives of a liberation movement invited in conformity with article 2, paragraph 3(k), of the Standing Orders of the Conference.

19. A list of these representatives is included at the end of the List of Delegations published as a supplement to the *Provisional Record* of the Conference.

*Objections*³

20. To date, the Committee has before it a number of objections or communications concerning the credentials of certain delegates and advisers. It has forthwith commenced its examination. It is important that governments use the suggested form for credentials of delegates, enclosed with the letter of convocation and the Memorandum communicated to governments every year prior to the session of the Conference. In order to comply with article 3, paragraph 5, of the Constitution, it would be necessary that governments provide exact information on the employers' and workers' organizations consulted in nominating Employers' and Workers' delegates and advisers, as well as on the organizations which have agreed to such nominations.

21. The Credentials Committee submits the present report to the Conference in order that the Conference may take note of it.

Geneva, 11 October 1996

(signed) U.B. DAX,
Chairman.

H.C. SPRINGBORG

J.E. VRIESEN

³ In accordance with the usual practice, the texts of the objections which the Credentials Committee has before it, together with the replies of the delegates concerned (in cases where the Credentials Committee has requested such replies), can be consulted in the office of the secretariat of the Credentials Committee.

	1) Government delegates	4) Employers' Advisers
2) Government advisers		5) Workers' delegates
3) Employers' delegates		6) Workers' Advisers

1)	2)	3)	4)	5)	6)	
Total	128	200	55	67	54	96

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Credentials

Second report of the Credentials Committee

Composition of the Conference

1. Since 11 October 1996, when the Committee adopted its first report, credentials have been received from Sudan bringing the total number of member States at present represented at the Conference to 86. The number of delegates and advisers who have registered at the Conference at this time is contained in the annex of this report. To date a total number of 864 persons are accredited to the Conference with 731 having been registered at this time. At the time of adoption of this report, the quorum required to give a vote validity is 126.

Communication from the "Confédération démocratique du travail" of Morocco

2. The Committee had before it a communication entitled an objection concerning the nomination of the Workers' delegate of Morocco from the "Confédération démocratique du travail" (CDT). The Committee recalled that the delegation of Morocco to the Conference was one of those delegations which was mentioned in its first report (*Provisional Record No. 3A*) as being exclusively governmental. Since the Government had failed to appoint a Workers' delegate, the communication was without object in so far as it referred to credentials of such a delegate.

Objection concerning the nomination of the Workers' delegate of the Russian Federation

3. The Committee had before it an objection to the nomination of the Workers' delegate of the Russian Federation, Mr. Startchenko, President of the Central Committee of the Trade Union of Water Transport Workers of the Russian Federation (PRVT), submitted by Mr. V.M. Shirochenkov, Chairman of the Seafarers Union of Russia and Chairman of the Federation of Trade Unions of Maritime Transport Workers (FPRMT). According to the objecting organization (FPRMT), the organization to which the delegate belonged, the PRVT, was not empowered to represent the social and economic interests of seafarers as its members did not include a single seafarer as they understood that term. The appointment was an attempt to empower artificially that trade union to represent inland transport workers, fishermen and certain other pseudo-trade

unions at the regional level. At the same time, the appointment of Mr. Startchenko as Workers' delegate violated the principle of tripartism since the Government and employers (shipowners) were represented twice, as, the Federal Maritime Administration of Russia (Rosmorflot) and the Russian Shipowners' Association were members of the PRVT. The PRVT was not empowered to represent workers' interests in so far as its members included employers and their representatives in violation of the provisions of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

4. The objecting organization (FPRMT) had proposed Mr. V.M. Sirotiuk from the Seafarers Union of Russia and the Russian Trade Union of Maritime Transport Workers, which had the absolute majority of seafarers in the transport fleet. The objecting organization (FPRMT) provided statistical data on its membership. According to it, the Seafarers Union of Russia was set up on 25 November 1991 and had a membership of 40,000 crew members of seagoing vessels of the transport fleet, making up 88 per cent of all workers in that sector employed in virtually all the largest Russian shipping companies within the structure of the Federal Maritime Administration of Russia (with the exception of the Arctic and North Caspian States maritime shipping fleets). The objecting organization (FPRMT) appended to its objection a resolution adopted by the Seafarers Union of Russia. The objecting organization requested the rejection of the credentials of the Workers' delegate.

5. In three written communications sent to the Committee, two of which were made at its request, the Government of the Russian Federation indicated that the Federal Maritime Administration of Russia (Rosmorflot) had carried out four consultations and called one meeting (held on 20 September 1996) since June 1996 involving the following organizations: the Federation of Trade Unions of Maritime Transport Workers (FPRMT) represented by its Chairman, Mr. V.M. Sirotchenkov; the Trade Union of Maritime Transport Workers, represented by Mr. V. Sirotiuk, and an affiliate of the FPRMT; the Trade Union of Water Transport Workers of the Russian Federation (PRVT), represented by Mr. Startchenko; and the Trade Union of Workers of the Fishing Industry represented by Mr. Zyrianov.

6. According to the communications, there was no legislation in the Russian Federation defining the terms "seafarer" and "seagoing vessel". Seagoing transport vessels engaged in shipping belonged to different ministries. There were two representative water transport organizations at the national level which were registered with the Ministry of Justice: the Trade Union of Water Transport Workers of the Russian Federation (PRVT) and the Federation of Trade Unions of Maritime Transport Workers (FPRMT). The Government provided detailed statistical data concerning the structure and membership of the two trade union organizations in question. The Federation of Trade Unions of Maritime Transport Workers (FPRMT) was composed of three trade unions: the Russian Union of Seafarers which had a total number of 34,134 seafarer members, the Russian Trade Union of Maritime Transport Workers which had 1,493 seafarer members and the Russian Trade Union of Dockers which did not have seafarers in its membership. The FPRMT therefore represented a total of 35,627 seafarers. The Trade Union of Water Transport Workers of the Russian Federation (PRVT) was

composed of a number of regional organizations which together had a total of 27,940 seafarer members. In addition, four trade union organizations had delegated the authority to represent them at the Conference to Mr. Startchenko of the PRVT. These organizations were the Russian Federation of Fishing Industry Workers which had 40,000 seafarer members, the Trade Union of Maritime Transport Workers "New Russia" which had 5,416 seafarer members, the Trade Union of Transport Workers of the Joint-stock Sakhaline Shipping Company which had 2,775 seafarer members and the Black Sea-Azov Maritime Trade Union (which had withdrawn from the Russian Union of Seafarers in June 1996) which had 2,000 seafarer members. The PRVT therefore represented a total of 78,131 seafarers.

7. Referring to the consultations which had taken place, it was stated that no agreement was reached on the nomination of a joint delegate. The Government therefore decided to nominate Mr. Startchenko, Chairman of the Central Committee of the PRVT as delegate and Mr. Sirotiouk, Chairman of the FPRMT as substitute delegate. These decisions were taken by the Ministry of Transport in agreement with the Ministry of Labour and Social Development and the Ministry of Foreign Affairs. In arriving at these decisions, the Government took into account the following: that the principle of rotation should be applied in the appointment of the seafarers' delegate to Maritime Sessions of the Conference; that there would be an objection irrespective of the organization from which the delegate was chosen; that both trade unions enjoyed equal rights; that the Chairman of the Central Committee of the PRVT had been delegated the authority to represent the interest of the Russian Trade Union of Workers in the Fishing Industry and that five regional maritime trade union organizations, the Federation of Independent Trade Unions of Russia and the Association of Trade Unions of Transport Industry Workers of Russia had supported the nomination of Mr. Startchenko. Concerning the nomination of advisers to the Workers' delegate, the Government had also proposed that both organizations agree on a list but the FPRMT had not responded to its proposal. The Government had therefore held sincere consultations with the most representative organizations and had fulfilled its obligation under the ILO Constitution and in accordance with the Conference Memorandum issued by the ILO concerning the nomination of the Workers' delegate to the Conference.

8. In response to questions from the Committee, Mr. A. Frolov, Head, Division of International Organizations, Rosmorflot; Mr. V. Degtiarev, Head, Personal and Education Management Department, Rosmorflot; and Mr. N. Khlestov, Senior Counsellor, Permanent Mission, Geneva, explained that in connection with the nominations made, Rosmorflot acted as an executive body of the relevant government ministries, namely, the Ministry of Labour and Social Development, the Ministry of Transport and the Ministry of Foreign Affairs, who were responsible for taking the decision concerning the nomination of the Workers' delegate. The Government had carried out the consultations in a spirit of mutual understanding and had tried to obtain the agreement of the two organizations on the nomination. Failing agreement, the Government decided to adopt the principle of rotation for the participation of the two organizations and to appoint the delegate from one organization, and the substitute delegate from the other. Basing itself on the definition given in relevant international instruments

and in particular IMO's International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW) (Russian legislation contained no such definition), the Government stated that it had taken into account the actual number of seafarers in the organizations which had supported the Workers' delegate. In response to a question concerning the advisers to the Workers' delegate and the delegation of authority which the delegate had received from some of them, the Government explained that in view of the system of rotation which it had decided on, it was for the delegate to choose his own advisers which had happened in this case. The Government also explained that the adviser and substitute delegate were included in the credentials sent by the Government and that in view of the budgetary constraints experienced by it, only the travel and subsistence expenses of the delegate had been paid for. Concerning the membership of employers' representatives in workers' organizations, the Government indicated that in theory any person including a shipowner was free to be a member of a workers' organization and that the membership of the organization from which the delegate came, like that of the objecting organizations, was open to shipowners.

9. The Committee recalled that in accordance with article 3, paragraph 5, of the Constitution, it had an obligation to reach agreement with all the most representative workers' organizations with respect to the nomination of both the Workers' delegate and the Workers' advisers.

10. The Committee was satisfied that the Government had conducted proper consultations with the organizations with which it had sought to reach agreement on the nomination of the Workers' delegate to the Maritime Session of the Conference. It took note of the statistical data provided by the Government and the objecting organization concerning the membership of the respective organizations. While data was in one respect unclear in that it did not indicate the employer composition of the various industrial organizations which were part of the organizations consulted, they tended to justify the Government's conclusion as to the relative representativeness of the organizations concerned, especially as the objecting organization had not produced figures in support of its allegation concerning the membership of employers referred to below.

11. Concerning the membership of the two organizations in question, the Committee was surprised by the information that the membership of the seafarers' organizations included employers and questioned whether indeed organizations of workpeople within the meaning of article 3, paragraph 5, of the Constitution existed in the maritime sector. It considered that certain adjustments would be necessary in order to bring the concept of such workers' organizations into line with that contemplated by article 3, paragraph 5, of the Constitution.

12. Concerning the decision of the Government to adopt a system of rotation for the nomination of the Workers' delegate to the Maritime Sessions of the Conference, the Committee recalled the conclusion of previous Credentials Committees of the Conference that such a system should under no circumstances be imposed by the Government and that it could only be used as a method to obtain the agreement of the most representative organizations themselves on the composition of the Workers' delegation.

13. The Committee also noted that the adviser and substitute delegate, Mr. Sirotiouk, proposed by the objecting organization, was not present at the Conference although his name was included in the Credentials provided by the Government. It also took note of the fact that the Government had not paid for his travel and subsistence expenses as required by article 13, paragraph 2(a), of the Constitution.

14. Taking into consideration the fact that the Government had conducted genuine consultations and that it had tried to reach agreement among the organizations concerned, the Committee decided not to retain the objection. The Committee, however, expressed the hope that for future sessions of the (Maritime) Conference, the situation concerning which organizations were the most representative, including their relative importance, should be clarified and that the information on which organizations were consulted on the nominations should be included in the Credentials submitted as was requested in the Form for Credentials sent to governments prior to every session of the Conference.

Late objection

15. On 18 October 1996, the Committee received an objection from the "Confédération général du travail du Liban" (CGT) concerning the nomination of the Workers' delegate of Lebanon. The name of the delegate appeared in the revised provisional list published as a Supplement to the Provisional Record of 15 October 1996. This communication, in the form of a facsimile, was received by the Office at 12.27 p.m. and therefore after the end of the 72-hour time-limit provided for in article 26, paragraph 4(a), of the Conference Standing Orders, i.e. after the 10.00 a.m. deadline on 18 October. The Committee considered that it was not receivable in accordance with the above-mentioned provision.

16. This report was adopted by the Credentials Committee unanimously. It is submitted to the Conference in order that the Conference may take note of it.

Geneva, 18 October 1996.

(Signed) U.B. DAX,
Chairman.

H.C. SPRINGBORG.

J.E. VRIESEN.

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Provisional Record

Eighty-fourth (Maritime) Session, Geneva, 1996

First report of the Committee on Recommendation No. 28 and Convention No. 147

1. The Committee on the revision of the Labour Inspection (Seamen) Recommendation, 1926 (No. 28), and the partial revision of the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147), was set up by the International Labour Conference at its first sitting on 9 October 1996. The Committee was originally composed of 107 members (60 Government members, 17 Employers' members and 30 Workers' members). To achieve equality of voting strength, each Government member was allotted 17 votes, each Employers' member 60 votes and each Workers' member 34 votes. The composition of the Committee was modified three times during the session, and the number of votes allotted to each member was adjusted accordingly.¹

2. The Committee elected its Officers as follows:

Chair: Mr. R. de Bruijn (Government member, Netherlands).

Vice-Chairs: Mr. J. Cox (Employers' member, United States) and Mr. J.-Y. Legouas (Workers' member, France).

Reporter: Mr. C. Hamilton (Government member, United Kingdom) at its second sitting.

3. At its second sitting the Committee also appointed a Drafting Committee composed of the following members: Mr. R. Day (Government member, Canada), Mr. R. Staub (Employers' member, France) and Mr. J.-Y. Legouas (Workers' member, France). Ms. J. Yim (Government member, United States) served as Coordinator of the Government group.

4. The Committee held six sittings.

5. The Chair proposed to the Committee to deal first with the revision of Recommendation No. 28. This proposal was adopted by the Committee. The Chair then invited the representative of the Secretary-General to take the floor.

¹ Subsequently, further changes were made in the composition:

- second sitting on 11.10.1996: 111 voting members (61 G, 15 E and 35 W);
- third sitting on 12.10.1996: 109 voting members (61 G, 14 E and 34 W);
- seventh sitting on 16.10.1996: 107 voting members (61 G, 13 E and 33 W).

**First item on the Conference agenda:
Revision of the Labour Inspection (Seamen)
Recommendation, 1926 (No. 28)**

Introduction

6. The representative of the Secretary-General of the Conference presented Report I, entitled *Revision of the Labour Inspection (Seamen) Recommendation, 1926 (No. 28)*, the first item on the agenda of the Conference. It was to serve as a basis for the Committee's discussion, and included the proposed texts for a Convention and a revised Recommendation on the inspection of seafarers' working and living conditions. These texts were prepared by the International Labour Office on the basis of the conclusions adopted by the preparatory Tripartite Meeting on Maritime Labour Standards held in Geneva in 1994.

7. The representative of the Secretary-General explained that the Governing Body's decision to place this item on the Maritime Conference agenda, together with the conclusions reached by the Tripartite Meeting in favour of both a Convention and a Recommendation on the subject, follow the series of Conference discussions and instruments adopted between 1926 and the present concerning inspection, which had culminated in the adoption of the Labour Inspection Convention, 1947 (No. 81), on industry and commerce, and the Labour Inspection (Agriculture), 1969 (No. 129). Convention No. 81 was one of the most widely ratified of ILO instruments (119 States are bound); and both Conventions Nos. 81 and 129 were among the ten priority Conventions identified by the Governing Body in 1993 for two-yearly reporting. Standard-setting momentum in respect of labour inspection had indeed been maintained through 1995, when a Protocol to the Labour Inspection Convention was adopted, extending its coverage to non-commercial services.

8. The representative of the Secretary-General emphasized that the proposed texts for a new Convention and Recommendation included various provisions comparable to those of the other labour inspection Conventions, as well as new ones tailored to the maritime industry and seafarers' living and working conditions, in order to take account of changes in the industry over the last 70 years. He said it was no coincidence that the Committee was also charged with consideration of a separate item on the agenda, the partial revision of the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147). This Convention was significant for several reasons: First, it contained a body of substantive provisions which had, by very broad agreement amongst all concerned, become the international gauge for minimum labour standards applicable to seafarers. It was a standard with a great deal of flexibility in both directions, given especially the notion of *substantial equivalence*.

9. Secondly, he pointed out that Convention No. 147 was itself a Convention about — among other things — inspection of seafarers' living and working conditions. Under Article 2(f), States which had ratified that Convention had already committed themselves to verifying by inspection or other appropriate means that ships registered in their territory complied with applicable international labour Conventions, relevant laws and regulations and, as appropriate, collective agreements. The labour inspection item on the Committee's agenda might thus

also be seen as an occasion for exploring the mode of implementation of Article 2(f) of Convention No. 147.

10. The representative of the Secretary-General went on to say that the draft instruments before the Committee should be seen in the context of a series of Conventions and Recommendations on labour inspection and maritime labour; it was noteworthy that many of the provisions included in the original draft conclusions considered by the Tripartite Meeting in 1994 and retained since were modelled on those earlier instruments. This was apparent, for example, in the provisions of the draft Convention as to scope (comparable to those of Convention No. 147 and the Conventions adopted by the 74th (Maritime) Session of the Conference in 1987), and the organization of the inspectorate (the powers and duties of inspectors which are close to the terms derived from Convention No. 81). The wording endeavoured to adapt those provisions to the maritime milieu, but it was also designed to ensure a sufficient degree of flexibility to facilitate the adoption a new Convention which both guaranteed the necessary protection of seafarers' living and working conditions and had good prospects of being widely ratified and applied.

General discussion

11. The Workers' members recalled that what had been achieved only a few years ago, at the end of the 1994 Tripartite Meeting, was the transformation of an outdated mere Recommendation (No. 28), into a modern draft Convention. The Workers saw this as considerable progress. With regard to the partial revision of Convention No. 147, they felt that a number of important relevant Conventions were still missing from the Appendices.

12. The Workers' members expected that the new Convention would broaden the field of application to other types of ships, and to all seafarers, leading to better occupational safety and health. They also had to insist on the need for national inspectorates capable of ensuring solid, equitable and comparable labour inspection of vessels around the world.

13. The Workers' members hoped the new Convention would be included among the instruments dealt with by inspectors of port States. This should not prove physically or technically impossible, even in countries with many large port facilities, as inspectors could be helped by specialists. This would *ipso facto* suppress the exclusive recourse to the classification societies practised by some States.

14. Referring to the opening speech by the President of the Conference, the Workers' members emphasized that at the 1994 Tripartite Meeting the Workers had shown a great deal of flexibility. In this Committee, they expected a substantial instrument to be adopted and ratified by a significant number of member States.

15. The Employers' members agreed that a great deal of work had already been done since the 1994 Tripartite Meeting. The success of the Conference would depend on good collaboration between all parties. The Shipowners supported the proposal to turn Recommendation No. 28 into a new Convention and Recommendation.

16. Regarding the Office proposals, the Employers' members noted that a great deal of action was expected of governments. The Employers were anxious to hear how the Governments saw these draft provisions, which put a considerable burden on them. In 1994 there had been some misgivings on the Employers' side during the debates, but now they were satisfied with the proposed text. If significant changes were now to be introduced, the Employers would have reservations on their commitment to a new Convention.

17. With regard to the issue of port state control, the Employers' members recalled that in 1994 their group had fundamentally opposed introducing the concept into the revision of Recommendation No. 28, and the Employers would continue to remain firm on this point.

18. With regard to the issue of fishing vessels falling within the scope of the proposed instruments, the Employers had previously stated that they should not be included. However, they would agree to the manner in which fishing vessels were presently covered in the proposed texts. The Employers had a number of other points concerning the revision of Recommendation No. 28 which they would raise in due course.

19. On the matter of the partial revision of Convention No. 147, the Employers' members pointed out that the proposed text contained several Conventions in the new draft Appendix, but they wished these to be accepted all together, rather than as alternatives. Any Conventions appended to the revised Convention No. 147 should have sufficient ratifications in order to be considered.

20. The Government member of Denmark in general supported the texts proposed by the Office, with a few exceptions. He felt that these were pure flag state instruments, which could only be implemented by the flag State. The port state control system could not lift the burden off the flag State, as in his opinion this had to be done by the flag State. His Government would like to see improvements of the definition of flag State. They should be similar to those laid down by the International Maritime Organization in the SOLAS (Safety of Life at Sea) and MARPOL (Marine Pollution) Conventions, which would increase transparency.

21. Regarding safety committees on board ship, the Government member of Denmark referred to the soon to be implemented International Safety Management Code (ISM), aiming for quality assurance systems. Such systems had been applied for some time in some countries, with clear responsibilities assigned to the parties involved, regardless of the type of vessel, whether a modern ship with few crew members or an older ship with a traditional, large crew. In either case, control was still necessary, even if it had to be adapted to the type of vessel concerned. In Denmark, ships' safety committees had been set up by law. They were developed as bodies that took responsibility for all safety, health and working conditions issues on board. Their members had to follow an obligatory safety and health course approved by his administration. Such competent bodies should be usefully associated with the inspection process. His Government wished to see an instrument adopted which would allow States to choose between different inspection systems to suit their needs and conditions. In summary, the guiding principle should be that the responsibility for conditions on board was, first of all, incumbent on the shipowner, then on the flag State, and finally on the port State.

22. The Government member of France supported the change from a Recommendation to a new Convention and Recommendation. A flag State which had ratified the new instrument would offer serious guarantees of maintenance of high standards. The new instruments would be a criterion to distinguish between ships with good standards and ships which were substandard vis-à-vis international standards. He thought that it was important that the work before the Committee should be handled in a flexible manner. The issue of flag state and port state control was a crucial one. He thought it would have a bearing on the work of the other committees dealing with Conventions Nos. 9 and 109. Therefore it was necessary to have an overview of what was really involved before the details of the new instruments could be discussed in this Committee.

23. The Government member of Lebanon considered that inspection should be by the flag State. Inspectors should be able to inspect all activities on board ships flying their national flag. Furthermore, a reference should be included in the new Convention prohibiting inspectors from having any relationship with shipowners, as already contained in Convention No. 81. With regard to the partial revision of Convention No. 147, she requested clarification as to the relationship between ratification of Convention No. 147 itself and ratification of the Conventions listed in the Appendices.

24. The Government member of Greece said that, as a result of issues raised by his delegation during the 1994 Tripartite Meeting, his Government found the proposed text on the partial revision of Convention No. 147, by and large, to be satisfactory. Regarding the draft texts to revise Recommendation No. 28, he felt that it would be impossible, and indeed meaningless, to make annual inspections obligatory. Greece had one of the largest merchant fleets in the world and his country's administration could not afford to entertain the necessary inspection system to comply with this provision.

25. The Government member of the Republic of Korea recalled that substantial developments had taken place regarding seafarers' working conditions in his country in national law and practice since the adoption of Recommendation No. 28. His Government was in favour of revising this instrument as proposed, since it would assist in further improving protective legislation for seafarers. However, he was not in favour of annual inspection of all ships, as provided by Article 3 of the draft Convention, as the size of the Korean fleet and the number of vessels visiting Korean ports each year would not allow this. Inspection intervals should therefore be determined by national laws or regulations. His Government appreciated the ILO's efforts to improve the efficiency and safety of merchant shipping, particularly in the field of occupational safety and health and trade union rights. He therefore recognized the importance of Convention No. 147. The Republic of Korea was in the process of revising its national legislation in order to be able to ratify the new Convention, which was the leading international standard governing working conditions of seafarers. At present, however, this was premature as his country would have difficulty in applying some of the Conventions listed in the Supplementary Appendix to Convention No. 147.

26. The Government member of Chile emphasized that, in general, his Government accepted the proposed texts to revise Recommendation No. 28, but

there were some doubts concerning the organization of labour inspection in member States. He suggested that rather than setting up a central authority, the texts should speak only of a coordinated system. In his country there were three inspection services; Chile could therefore not accept the idea of one central authority. The proposed texts should allow for the possibility of keeping existing national administrative structures in each country. This would make them more flexible. He also indicated that the delegation of labour inspection powers to the private sector rather than civil servants would not be possible in his country. Chile could not entrust supervision and control functions to private individuals. Regarding the partial revision of Convention No. 147, he had problems in particular with the proposed text of Article 4 concerning the responsibility of the port state authority with regard to irregularities or contraventions and the need to submit a report to the flag state authority. It would then be necessary to include a similar provision in the draft texts of the Convention and Recommendation to revise Recommendation No. 28. The flexibility contained in the draft Protocol was useful. States that could not ratify all the Conventions listed in the Supplementary Appendix could nevertheless apply some of them in national law and practice. However, he was not sure whether Article 2(a) and the existing Appendix to Convention No. 147 obliged member States to comply with the entire Convention and the Appendix. He hoped that future Maritime Conferences would look at this issue with a view to making it yet more flexible but without lowering the prevailing standards.

27. The Government member of Denmark, referring to previous speakers, felt that he could not, at this stage, see a link between Convention No. 147, the Convention to revise Recommendation No. 28, and Convention No. 109. At present there were only the proposed Office texts under discussion. Any other proposals should be considered in due course.

Consideration of the proposed texts contained in Report I

Proposed Convention to revise the Labour Inspection (Seamen) Recommendation, 1926 (No. 28)

Preamble

28. The Chair opened the second sitting by announcing that altogether 73 amendments had been received in accordance with the Standing Orders, and opened the discussion.

29. The Employers' members, referring to their amendment to the Preamble, asked to see its discussion put off until the substantive provisions of the Convention had been discussed. This reflected the Employers' position at the 1994 Preparatory Tripartite Meeting when they had stated that, provided the final document developed into an acceptable instrument in the form of a Convention, then they would accept it. Given that there were now a series of amendments before the Committee to transfer detailed individual requirements in the draft Office text for a Recommendation into the proposed Convention, and if these were actually adopted, then the Employers would have to revise their position with regard to the adoption of a Convention. The proposed amendment was

necessary to abide by ILO procedure and to protect the interest of the Employers, but it should only be discussed, if at all, at the end of the deliberations on the draft Convention.

30. The Workers' members agreed to postpone discussion of the Preamble. The Committee decided accordingly.

Article 1

31. The Government member of Denmark, speaking also on behalf of the Government members of Cyprus, the Netherlands and Norway, then introduced an amendment to replace paragraphs 1 to 4 of Article 1 with a new paragraph, as follows:

"The present Convention shall apply to ships entitled to fly the flag of States the Governments of which are Contracting Governments, except for the following:

- (a) Ships of war and troop ships.
- (b) Non-seagoing ships (national laws or regulations shall determine when ships are to be regarded as seagoing ships for the purpose of this Convention).
- (c) Ships not propelled by mechanical means.
- (d) Wooden ships of primitive build.
- (e) Pleasure boats not engaged in trade.
- (f) Fishing vessels, small vessels and vessels such as oil rigs and drilling platforms when not engaged in navigation. The decision as to which vessels are covered is to be taken by the Administration in each country in consultation with the most representative organizations of shipowners and seafarers."

He first of all pointed out that in line (e) of the proposed new text the second sentence should appear on a new line, as the authors' intention was that it should cover all categories of ships listed in the new text and not just those mentioned in line (e). The Government member of France then indicated that the English version did not concur with the French and Spanish versions in that the latter contained an additional category (e), pleasure yachts not engaged in trade purposes, and this should be included in the English version of the amendment.

32. The Workers' members felt that the amendment was not receivable at present in the light of the decision to postpone discussion of matters dealt with in the Preamble.

33. The Government member of Denmark explained that the proposed new text was equivalent to texts already used, for instance, in SOLAS, and ILO Convention No. 147. The draft Office text, if unamended, might lead to ambiguity as to the nationality of a given ship. He recalled that, if there were doubts about a ship's nationality, that ship could be treated like a ship without nationality by the port State.

34. The Employers' members felt that a compromise was called for. They had reviewed another amendment in which these issues would be adequately dealt with. The Employers would prefer to keep the proposed Office text without change.

35. The deputy representative of the Secretary-General explained that the issue of consistency had been discussed in the Office and it had proposed to continue to use the language of other ILO Conventions rather than resort to the text of Conventions of the IMO.

36. The Government member of Denmark insisted that the Office text would give rise to problems particularly as concerned the last sentence of Article 1, paragraph 1. Only one government, the flag State, could retain jurisdiction over a ship. If the proposed amendment was not carried then at least the last phrase: "except to the extent that the other Member retains jurisdiction over the ship." in that paragraph had to be deleted.

37. The Employers' members felt that the proposal did not involve the port state/flag state issue. Rather, it was a question of the scope and application of the Convention and therefore the Employers opposed the amendment. The Workers' members also opposed the amendment in substance.

38. The Government member of Canada insisted that the amendment be discussed. Governments would have to know to what the Convention applied. He also thought that the differences in language between ILO and IMO texts had to be reconciled.

39. The deputy representative of the Secretary-General, referring to the United Nations Convention on the Law of the Sea (UNCLOS), which was mentioned in the draft Preamble, as well as to the Convention on the Registration of Ships, explained that in the Tripartite Meeting, certain governments had indicated that a State could retain jurisdiction, for instance over certain aspects concerning conditions of employment, even if the flag of the vessel had been transferred to another State. The Office understood that UNCLOS might in fact allow such a situation.

40. The Government member of Lebanon then referred to her proposed amendment to delete the last sentence of Article 1, paragraph 1. If this proposal were now discussed it might solve the problem. She concluded that the exercise of dual jurisdiction would lead to conflict of laws which was not acceptable to her Government.

41. The Government member of the Netherlands pointed out that if the amendment proposed by the Government members of Cyprus, Denmark, Norway and himself were not accepted then sailing vessels would not be covered. There were many large cruise sailing vessels which should not be excluded from the scope of the Convention.

42. The Chair confirmed that under the SOLAS Convention any vessel carrying more than 12 passengers was not considered a sailing ship any more but a passenger ship and was therefore covered by that Convention, and this should be the principle to apply. Under the circumstances the amendment proposed by the Government members of Cyprus, Denmark, the Netherlands and Norway would not find a majority. Therefore it was withdrawn.

43. The Government member of Lebanon then presented her amendment to delete Article 1, paragraph 1. The flag was the flag of one State only. Its laws had to be applied. In order to avoid conflict there could only be one state jurisdiction. This position was supported by the Government members of Cyprus,

Denmark and the Netherlands. The Government member of Denmark referred to Article 92 of the UNCLOS which said that ships shall sail under one flag only.

44. The Employers' members thought this was a complex issue. UNCLOS was an instrument dealing with major issues that went beyond what the text before the Committee should cover, for example maritime mortgages. This raised the possibility of dual registry, but that was not the issue here, though employers could be implicated in dual registry issues. Thus they could not accept the amendment as a whole. They proposed a subamendment to delete only the last phrase in the last line of paragraph 1, "except to the extent that the other Member retains jurisdiction over the ship".

45. The Workers' members were unable to support the original amendment. It was for the Office to rectify the discrepancies referred to earlier.

46. The Government members of the Syrian Arab Republic and Panama supported the amendment, as it would solve a practical problem, which in particular Panama encountered in almost all its annual inspections of ships flying its flag.

47. The Government member of Denmark supported the subamendment proposed by the Employers. He thought it was neither logical nor practical for governments to have different terminology for the same issues resulting from the application of different Conventions adopted by different international organizations since governments had only one set of national legislation.

48. The Government member of the Islamic Republic of Iran supported the amendment by Lebanon, referring also to UNCLOS. Ships should only fly the flag of one country.

49. The Government members of Egypt and the Netherlands also supported the Employers' subamendment.

50. The deputy representative of the Secretary-General said that the proposed Office text to revise Convention No. 109 contained a similar provision. The decision in the Committee responsible for that item had been to adopt an amendment similar to the Employers' subamendment.

51. The Employers' members said their subamendment had been thoroughly discussed in the 1994 Preparatory Meeting. The Seafarers supported it; the Government of Denmark was also in favour. The Government member of Lebanon thereupon withdrew her amendment, and the Chair declared Article 1, paragraph 1, adopted as subamended.

52. The Workers' members tabled an amendment to delete subparagraph (a) of Article 1, paragraph 4. There were today many large sailing ships and therefore the Office text was not appropriate any more. The Employers' members agreed. The amendment would put this category of ships into the inspection regime. The Government member of Denmark made his support conditional to having the same definition as in the revised Convention No. 109. The Chair thereupon asked the secretariat for clarification whether the aim was to have common language or not.

53. The deputy representative of the Secretary-General confirmed that the Office had tried to achieve coherence between the different draft texts, but there

could be occasions where one Convention would differ from another. The issue of sailing ships had not been raised before. The amendment was adopted.

54. The Workers' members then presented an amendment to delete, in paragraph 4(b), the words "small vessels and". They felt the term was vague. In some countries ships of several thousand tons were still considered small vessels. Either a clear definition was necessary or the term should be dropped.

55. The Employers' member disagreed. There had to be some cut-off, not necessarily by way of any particular tonnage, but a clear definition was necessary. The same language should preferably be used as in Convention No. 147 where these terms worked very well. Therefore they opposed the amendment.

56. The Government member of Denmark could not accept the amendment. It would result in the inclusion of too many ships, all of which could not be inspected. The Government member of the United Kingdom supported that position, as did the Government members of Egypt and Canada.

57. The Chair emphasized that the term "small ships" needed to be further clarified. The Government member of Denmark was talking about very small ships, but 3,000 tons was not a very small vessel. There was a need to have a clear definition.

58. The Workers' members shared the Employers' opinion. There had to be a cut-off. They proposed a gross tonnage threshold of 500 g.t. The Employers' members wished to know what the Governments would suggest as a definitive tonnage cut-off. Thereupon the Government member of Denmark suggested that any ship going into international trade should be subject to the inspection regime. In his view, 500 tons was not a small ship any more.

59. The Government member of France wished to see the matter referred to the Drafting Committee in the light of international treaty provisions as to tonnage. The Government member of the Islamic Republic of Iran supported this proposal, saying that the text should refer to seagoing vessels as in IMO Conventions. The United Kingdom Government member was also in favour of more flexibility.

60. The Employers' members opposed this proposal by France. A decision of this nature should not be left to the Drafting Committee. It had to be taken by the Committee itself. The Government member of Denmark thereupon said that 500 tons, as proposed by the Workers' members, was acceptable.

61. The Employers' members underlined that it was for the Governments to propose an acceptable threshold. Employers could accept 500 tons as a cut-off.

62. The Government member of Australia also thought the definition of 500 tons acceptable. If a country wished to apply its inspection regime to smaller vessels it was at liberty to do so. But every country should have an inspection system for vessels above 500 tons. This view was supported by the Government member of the Netherlands.

63. The Government member of Tunisia pointed out that under Article 1, paragraph 3, of the draft text, the Convention would apply to seagoing tugs regardless of their tonnage. This could create some confusion if a threshold of 500 tons was introduced in paragraph 4.

64. The Government members of the United Kingdom, Spain, Sweden and the Islamic Republic of Iran accepted the concept of 500 g.t. Spain stated that this was already a considerable size, and was also referred to in other international standards.

65. The deputy representative of the Secretary-General explained that the Office draft was based on Convention No. 147. Other ILO Maritime Conventions also fixed tonnage thresholds, some below 500 g.t. There was no objection in principle, therefore, to such a threshold. He confirmed the Office's understanding that in the new text seagoing tugs were covered regardless of their tonnage. The amendment as subamended would read: "small vessels being vessels up to 500 gross tonnage (g.t.)". Paragraph 4 as amended and subamended was thereupon adopted.

66. The Government member of Sweden tabled an amendment to replace in Article 1, paragraph 5, in the first line, the word "practical" by the word "practicable". He recalled that this was in line with the text on page 17 of Report I. However, he agreed to withdraw his amendment provided it was dealt with by the Drafting Committee.

67. The Government member of France proposed an amendment, also on behalf of the Government members of Belgium, Italy and Portugal regarding Article 1, paragraph 7(b), first to insert between the words "any" and "public official" the words "civil servant or other"; and second, to delete the phrase "as well as any other person performing an inspection for an institution or organization authorized by the central coordinating authority in accordance with Article 2, paragraph 3". The Government member of Spain pointed out that the Spanish version did not correspond to the English and French texts. This was subsequently rectified.

68. The Government member of France, introducing the amendment, explained that its purpose was to make sure that any person performing an inspection was employed by the state administration. This amendment should be seen in conjunction with another one, submitted by the Government members of France, Italy, the Netherlands and Portugal, to amend Article 2, paragraph 3. He wished to see the reference to private individuals doing inspections deleted. This was, he said, a fundamental principle.

69. The Employers' members remarked that the substantive effect of the proposed amendment would be not to allow persons other than civil servants or public employees to undertake inspections. He suggested that it was for the Government representatives to give their views on this matter, as it was their responsibility to organize and maintain inspection services. While the Employers had no strong views on this particular amendment, it might be in conflict with others yet to be examined in which governments would be allowed the delegation of authority to private bodies. Furthermore, in the modern maritime community some governments had been turning to mechanisms other than state inspection to ensure continued compliance with international instruments.

70. The Government member of France agreed that civil service inspectors needed the support of technical specialists, for instance from the classification societies. However, he emphasized that in the interests of consistency and in view

of the serious nature of the task, governments ultimately must retain responsibility for inspection.

71. The Workers' members were in favour of the proposed amendment and felt convinced by the argument for consistency in both proposals, which went in the right direction. Of course, it was the governments' responsibility to organize inspections.

72. The Government member of Panama had no objections to the amendment, as long as it took the amendment to Article 2, paragraph 3, referred to by the Government member of France into consideration. Panama could not accept the present amendment without the other one. His country had over 10,000 ships under its flag which would require an inspection administration of some 10,000 officials. It would be impossible to carry out the inspections required without turning to other bodies.

73. The Government member of the United Kingdom opposed the amendment for the reasons put forward by the Employers. It was for governments to decide how best to legislate for and implement the standards in question, and the original wording of the draft Office text contained all the flexibility necessary to do this.

74. The Government member of Algeria supported the amendment since inspection was, of necessity, a task for the public administration. Nevertheless, the inspectors could, for the purpose of expertise, resort to recognized specialized services, whether public or private. The Government member of Egypt supported this position.

75. The Government member of Denmark supported the comments made by the Government member of the United Kingdom. Therefore he could not accept the proposed amendment. This position was supported by the Government member of the Netherlands.

76. The Employers' members remarked that if only public officials or civil servants were authorized to carry out inspections this could cause complications and indeed confusions regarding the amendment on Article 2, paragraph 3, where delegation was envisaged. The shipowner concerned wanted to know who was the inspector, or civil servant or the expert under delegation? It was critical to reach an understanding on this point.

77. The Government member of Cuba thereupon put forward a proposal, to retain the insertion but not the deletion, for cases when there would be a need for making use of private organizations. The competent authority had to decide who undertook inspection and a degree of flexibility was required as some governments used frameworks incorporating private organizations while others did not.

78. The Government member of Canada questioned the translation. What was the meaning of the French word "agent"? Did it imply that the person concerned had the full authority of a government to act on its behalf? The Government member of France gave an explanation of the difference between "fonctionnaire public" (civil servant) and "agent public" (employee of a public administration). The Chair agreed that the word "agent" implied a person or

private company employed by the government. The use of such an agent did not mean that the government abdicated its responsibility for the inspection procedure.

79. The Employers' members accepted the subamendment proposed by the Government member of Cuba. This would ensure that the chain of responsibility stayed intact and that ultimate responsibility remained with the central coordinating authority. The Government members of the Netherlands, Denmark and the United Kingdom also agreed with this subamendment. The Workers' members, while preferring the first version, could accept the compromise solution as well.

80. The Government member of France wished to distinguish between authority and responsibility. The State could not abdicate responsibility. There had to be controls, preventing private bodies which had commercial links with shipowners from carrying out inspections of ships belonging to the latter. Furthermore, it would be impossible to allow private inspectors to prosecute.

81. The deputy representative of the Secretary-General explained that the English and French versions of the text would be aligned in the Drafting Committee.

82. The Government member of the Philippines also supported the subamendment proposed by Cuba.

83. The Government member of France then put forward a further subamendment adding a third paragraph to the Office text which would reproduce relevant IMO texts. He could not accept that an inspector from a flag State should have less independence than an inspector from a port State. The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (1978, STCW), for instance, stated that only a public official could be an inspector. IMO Assembly resolution A 787(XIX) stated that an inspector to whom a task had been delegated could not have commercial or other links with a shipowner or classification society.

84. The Government member of the Russian Federation recalled that this issue had been discussed at length during the 1994 Tripartite Meeting. He opposed the amendments and favoured the original wording in Office Report I. An inspector was an official appointed by the State and it was for the State to delegate the task of inspection as it thought fit.

85. The Employers' members could agree to the amendment by the Government member of France concerning the insertion but would oppose the deletion. They thus supported the subamendment by Cuba. The Workers' members also supported this position and the amendment was adopted as subamended.

86. The Employers' members thereupon tabled an amendment to replace in Article 1, paragraph 7(a), the words "regulations, orders or other instructions having the force of law" with the words "national laws and regulations". They pointed out that this would also come up elsewhere in the text. The purpose was to replace a somewhat antiquated wording taken from Conventions drafted many years ago with modern language. The proposed new phrase was also found in Convention No. 147 and other ILO instruments. It was both more comprehensive and more accurate.

87. The Government members of Denmark and the Netherlands supported the Employers' amendment, as it would cover all legal texts.

88. The Workers' members could not accept this amendment since the term proposed was too restrictive. They were also concerned about the implications for port state and flag state control. The proposed change would reduce the scope of the texts too much by omitting rules which were not necessarily part of national legislation.

89. The Employers' members pointed out that Article 1, paragraph 2, of the Office text referred to national laws and regulations. In their view, Article 1, paragraph 7(a) at present referred only to the flag State. Including any other language would bring in the port state considerations when in fact Article 1, paragraph 7(a), should be purely a flag state matter.

90. The Chair expressed sympathy with the Workers' views since Members of the European Union had to take EU Directives into consideration which were not always national law but might fall within the scope of the draft text. This view was supported by the Government member of the United Kingdom. The Workers' members also appreciated the views of the Chair: they had indeed been referring to standards such as EU Directives which would continue to be applicable.

91. The Government member of Cuba hoped the definition would be left as broad as possible. The original text did not exclude national law, and therefore it should be retained.

92. The Government member of the United Kingdom said his understanding was that the original definition contained a requirement for national governments to implement international standards only if they had been transposed into national legislation.

93. The Chair confirmed this view, and the Employers' members withdrew their amendment.

94. The Government member of Chile, also on behalf of the Government of Mexico, presented an amendment to Article 1, paragraph 7(a), to replace, in the first line, the words "a minister, government department or other authority", by the following words: "the authority or authorities". Its purpose was to avoid difficulties some Governments might have with the term "central coordinating authority" (CCA). In countries such as his, the inspection authority was invested in several bodies. The amendment would introduce the flexibility necessary for ratification by countries with different inspection regimes.

95. The Workers' members could not accept the amendment. They wished to retain the weight of certain terms used: "minister", "central department", "authority", etc. In the Workers' opinion, ultimately only one authority could be responsible.

96. The Employers' members thought that the term "central coordinating authority" was not meant to be exclusive. One could leave the words "minister" and "central department", but subamend by adding "authority or authorities".

97. The Government member of Panama supported the amendment. The situation in his country was almost identical to that of Chile. The draft Office text did not take account of this. Inspection of labour conditions and maritime safety

inspection were under different ministries. The concept of one CCA could not be applied.

98. The Government member of Denmark suggested that the rewording proposed in an amendment to Article 1, paragraph 7(a) by his Government and the Government members of Cyprus, the Netherlands and Norway, namely to replace the text after the word "term" in the first line by the phrase: "'Administration' means the Government of the State whose flag the ship is entitled to fly," might solve the problem. He felt this amendment should have been dealt with first, since if the amendment now under discussion were adopted, the other one would have to be withdrawn, a view in which the Employers and Workers concurred. Denmark had sought to replace the definition in paragraph 7(a) with a completely new one, quite different from the subamended text now being reviewed. In his opinion, this constituted a change of procedure, and he now had to withdraw his amendment.

99. On a proposal by the Government member of the Netherlands to put the words "minister, government department and other public authority" in the plural, the Committee adopted the amendment by the Government members of Chile and Mexico as subamended.

100. The Employers' members then introduced an amendment to Article 1, paragraph 7(b), namely to add after the word "person" the words "holding proper credentials". They wished to ensure that the person coming on board was properly authorized to perform inspection duties.

101. The Workers' members did not think this change indispensable. The term "public official" already indicated someone endowed with proper credentials.

102. The Government member of France approved the proposal since, in his view, it referred to other (private) individuals in the draft text of Article 2, paragraph 3. The Workers' members, having reread the amendment, now agreed with it. Article 1, paragraph 7(b), was then adopted as amended.

103. The Employers' members put forward an amendment to replace Article 1, paragraph 7(c), with the following text: "the term 'seafarers' working and living conditions' means the physical structure, the standard of maintenance and cleanliness of shipboard living and working areas, the arrangements for the provision of food and adequate medical care and the terms and conditions of employment which are subject to national laws and regulations". The purpose was twofold: first, to replace the paragraph under reference because the Employers did not wish to retain the terms "collective agreements" and "arbitration awards" and, second, to introduce a definition of "seafarers' working and living conditions" in conjunction with a later amendment concerning a new paragraph 7(e). The old paragraph 7(c) was unnecessary, as much of it was already included in Article 1, paragraph 7(a).

104. The Workers' members pointed out that Article 1, paragraph 7(c), mentioned legal provisions, whereas Article 1, paragraph 7(d), referred to "seafarers' living and working conditions". The Employers' members thereupon reworded the amendment so as to replace Article 1, paragraph 7(c) and (d), by a new Article 1, paragraph 7(c). The Workers' members, however, could not accept the deletion of Article 1, paragraph 7(c).

105. The Employers' members explained that, in their view, the term "legal provisions" included arbitration awards and collective agreements. However, inspectors should not be dealing with the enforcement of the terms of such awards or agreements. Besides, Article 1, paragraph 7(a), would remain unchanged.

106. The Government member of Cuba wished to know whether the intent of the amendment, which in fact referred to Article 1, paragraph 7(d), not paragraph 7(c) as suggested, was to change the definition of seafarers' working and living conditions.

107. The Workers' members argued that the justification for deleting Article 1, paragraph 7(c), did not hold. The point of having this definition was to use it elsewhere in the Convention, where it would cover arbitration awards and collective agreements if, in accordance with the present paragraph 7(c), the force of law was conferred upon them. Inspectors should then be able to check such awards and agreements. The Government member of the Netherlands supported the Workers' members' position.

108. The Employers' members recalled a previous amendment to Article 1, paragraph 7(a), which had not been adopted. The amendment to change paragraph 7(c) was not, in their view, related to paragraph 7(a). However, seeing that there was no support from the Governments, they withdrew the first part of the amendment concerning the deletion of the present text of Article 1, paragraph 7(c), and wished to retain only the second part, which in fact meant adding a new line (e) to Article 1, paragraph 7. This was very close to an amendment put forward by the Workers' members, to add a new subparagraph as follows after subparagraph (d): "(e) Seafarers' working and living conditions means the conditions such as those relating to minimum age, articles of agreement, food and catering, crew accommodation, manning, hours of work, payment of wages, medical examinations, prevention of occupational accidents, medical care, sickness and injury benefits, repatriation, freedom of association and other connected matters," so the two should be dealt with together. The Workers' members agreed.

109. The Government member of France, also on behalf of the Government member of Belgium, presented an amendment concerning a new Article to be introduced between Articles 5 and 6, to read as follows:

"1. The system of inspection of seafarers' working and living conditions must secure the application of the legal provisions relating to the protection of seafarers and their working and living conditions, such as those concerning freedom of association, minimum age, articles of agreement, recruitment, food and catering, crew accommodation, manning, qualifications, hours of work, payment of wages, medical examinations, prevention of occupational accidents, social welfare and related matters, in so far as such provisions are enforceable by inspectors or the central coordinating authority.

2. Inspectors empowered with proper credentials shall be empowered to question the master, seafarer or any other person, including the shipowner or the shipowner's representative, on any matter concerning the application of the legal provisions in the presence if necessary of a witness that the person may have requested."

It corresponded to the terms of Article 3 of Convention No. 81, and was a provision that should appear in the new Convention, not the Recommendation.

110. The Workers' members proposed to reword their amendment. There were several elements in the amendment by France and Belgium which should be moved into the Workers' amendment, namely the words "recruitment, qualifications, and social welfare and related matters". The Government members of Belgium and France accepted this subamendment.

111. The Government member of the Netherlands could not accept this new amendment. The text proposed by the Government members of Belgium and France covered both port state and flag state control. The Government member of Denmark supported this view.

112. The Employers' members wished to take the discussion back to the second part of their amendment to Article 1, paragraph 7(c), which had not yet been conclusively dealt with. The Employers were focusing on inspectable living and working conditions; the similarity of the Workers' amendment to that of the Governments of Belgium and France was not surprising, as they both related to the draft Office text for the Recommendation. However, they were willing to reword their text, provided the focus on matters relevant to inspection was retained.

113. The Government member of Sweden referred to his proposed amendment to Article 2, paragraph 1, which also called for a definition of seafarers' living and working conditions in line with Article 2(b) and (c) of Convention No. 147. Although it had not been seconded, his Government could not accept that wages matters should be subject to inspection. That was not the practice in his country.

114. The Government member of Lebanon had taken note that Article 1, paragraph 7(d), would be deleted. However, the revision of Convention No. 9 defined the term "seafarers". Any definition of "seafarers" in the new Convention to revise Recommendation No. 28 should take into consideration the definition adopted in Committees of the present Conference dealing with the same issue to avoid contradiction. In her view, there was no need to go into detail about working conditions. Inspectors should be empowered to inspect all conditions in accordance with national law and practice.

115. The Chair then proposed informal consultations among Committee members and groups to discuss the amendments put forward by the Employers, the Workers and the Government members of Sweden, France and Belgium respectively. The Committee would then return to this question later.

116. The Government member of Denmark referred to a series of amendments concerning terminology tabled by the Government members of Cyprus, the Netherlands, Norway and himself. He felt that the ILO did not attach a high priority to harmonization of terms or definitions with those used in other well-known inspection instruments adopted by the IMO. The amendments were thus withdrawn.

Article 2

117. The Government member of France, also on behalf of the Government members of Italy, the Netherlands and Portugal, proposed an amendment to Article 2, paragraph 3, to replace with the following: "It may delegate to an approved private organization, recognized as technically competent and independent, the task of carrying out inspections with regard to food and catering, crew accommodation and the prevention of occupational accidents, as long as the central coordinating authority is responsible for this technical assistance." The proposing Governments felt it was necessary to give proper weight to inspectors, and to avoid their authority being undermined in view of the very liberal use of delegation to private bodies allowed by the Office text.

118. The Workers' members supported the amendment, as it went in the right direction. It recognized the existence of private inspection bodies having the necessary competence, but only under the aegis of a national authority.

119. The Employers' members could not support the amendment. Most substantive points were already taken care of in the Office draft text. Besides, the amendment left out public institutions. A more practical solution would be to subamend by including private organizations in the Office text. The Government member of Cuba agreed.

120. The Government member of the United States supported the Employers' subamendment, but wished to subamend it by inserting the word "private" between the last word on the second line ("other") and the first word of the third line ("organizations") of the Office text.

121. The Government member of the Netherlands wished to see a narrowing-down of what inspection bodies other than those of the Government should do.

122. The Workers' members drew attention to an apparent discrepancy between the English and French versions of the draft Office text. The latter already contained the word "private". The Government member of France confirmed that the English version was the correct one, as it faithfully reflected the discussions of the 1994 Tripartite Meeting. Flag state inspectors should not have less authority than port state inspectors.

123. The Government member of the United Kingdom felt that if there was no delineation between "public" and "private" in the draft text, it was because it already covered both. Therefore the Office text should stand unamended. The Government member of Denmark concurred.

124. The Government member of the Netherlands presented what he felt was a compromise subamendment, to insert, in the fourth line, after the word "conditions" the words "limited to food and catering, crew accommodation, and occupational safety and health". The Workers' group saw a genuine interest in this subamendment and wished to hear other Governments' views on it.

125. The Employers' members rejected the notion that this was a compromise. Their own subamendment did not give limitations, only examples. They therefore opposed it. The text of Article 2, paragraph 2, was quite adequate and gave the CCA all the powers it needed.

126. The Government member of Spain could not support the amendment presented by France; rather, he shared the views of the Government of the United Kingdom. The draft Article was perfectly defined and allowed the CCA to perform its functions in an open manner. There was no need to restrict these with references to occupational safety and health.

127. The Government member of the Netherlands explained that he did not want to limit the inspection authority of governments. He only wished to limit their authority to delegate.

128. The Government member of the Russian Federation supported the United Kingdom's position. The draft text ideally represented what had been laboriously worked out in 1994. It was unnecessary to lay down exactly what had to be coordinated. Rather, the concern should be with a viable system.

129. The Government member of France wished to reword the amendment, leaving Article 2, paragraph 3, but adding a second sentence, taken word for word from IMO resolution 787, as follows: "The private organizations allowed by the central coordinating authority must have no commercial interest or be employed by or undertake work on behalf of classification societies, either shipowner's or flag State's one." This was supported by the Government members of Italy and Portugal.

130. The Government member of the Netherlands wished to know if the text of an IMO resolution, being recommendatory, could be transcribed into an ILO Convention. The deputy representative of the Secretary-General saw no basic objection to this. The text, if adopted, would be that of the Committee using certain wording it considered appropriate. The Workers' members considered the amended text acceptable.

131. The Employers' members opposed it. In many countries private bodies undertook paid inspections. This indicated a business relationship. The IMO resolution was not appropriate language for an ILO Convention. The Government member of Denmark agreed. The Office draft text should remain intact. The Government member of the United States also concurred. The Government member of Canada remarked that a similar debate had taken place two years ago. The Office text should be retained. The Government member of Cyprus agreed with this view, whereupon the amendment fell.

132. The Government member of Mexico then introduced an amendment, on behalf of the Government members of Chile, Cuba and his own, to Article 2, paragraph 3, namely to insert at the beginning of the second sentence: "Whenever the legislation of the member State so provides ...". The Chair felt this was identical with the previous amendment and could therefore be withdrawn. The Government member of Mexico however thought it added substance to the present text. The Government member of Chile supported this view. Some means of delegating national authority was necessary. The Chair held that if a government had the authority in law, it could delegate, if not, it had to organize the inspection service itself. The Government member of Cuba, however, referred to the need for added flexibility.

133. The Government member of Greece felt the draft Article contained sufficient flexibility and should stay unchanged.

134. The Workers' members observed that, if the amendment helped certain States to ratify, they would agree.

135. An Employers' member failed to see the difference it would make. He wished to know whether the ratification of the Convention with a text so amended would require member States to change their legislation.

136. The deputy representative of the Secretary-General commented that there were two sentences under discussion, of which the second was optional. It would allow, but not compel Members to do certain things. Thereupon the amendment was rejected.

137. The Government member of Denmark tabled an amendment to Article 2, supported by the Government members of Australia and Norway, to Article 2 to add the following text at the end of paragraph 3: "Where an Administration by national law and regulations has instituted independent safety committees on board ships flying its flag, such committees may be recognized to carry out inspections. A ship's safety committee may only inspect the ship for which it is constituted, and submit reports to the Administration." The authors wished to make further use of these on-board institutions. Quality assurance systems had been in place for many years. In countries that had them on board ship, it would not be necessary to operate inspection systems created 50 years ago. New forms of organization should be recognized. If the Committee did not agree, its report should clearly say so.

138. The Workers' members found this proposal unacceptable. If all seafarers enjoyed conditions such as those on board ships of the three countries that had proposed this amendment, that would be another matter. But what of flags of convenience? The Workers' rejection was categoric, and they would not go back on it.

139. The Employers' members sought clarification on whether the draft text of Article 2, paragraph 3, included independent safety committees or not. If yes, there was no need for the amendment. If not, it should be adopted.

140. The Government member of the Netherlands stated that ships flying his country's flag had safety committees on board, but he did not want to see them burdened with inspection duties. The Government member of Spain agreed. Article 2, paragraph 3, required no further amendments.

141. The Government member of the United Kingdom said that on board his country's ships there was a system of safety committees. He supported the amendment. It would enable members of these bodies who were well versed in the specific problems on board to do something about them.

142. The Government member of Panama did not think the amendment necessary. He supported the views of the Employers. The Government member of France also rejected the amendment.

143. The Workers' members remarked that some countries' ships' safety committees were effective but, for instance, in the United Kingdom more than half of the merchant navy officers were serving under foreign flags. If the amendment were supported, this would result in countries suddenly setting up quasi-independent safety committees. Besides, the issue had been extensively discussed in 1994. The proposal of the Government member of Denmark might

well work in the countries that had supported it; but it would not be effective in all of the other relevant member States. The whole purpose of the new Convention was to have independent inspection. The proposed amendment would change the entire colour of the new instrument. It would put the onus of inspection on the seafarers, which was not their responsibility. They should blow the whistle, alert, inform, and assist the inspection authorities, but not themselves be responsible for inspection. The Workers would therefore not agree to this amendment.

144. The Employers' members felt that the text should refer to national laws and regulations. If the Convention did not prohibit something, governments were free to do what they thought necessary.

145. The Chair observed that the majority of Governments' reaction to this amendment appeared negative. Therefore, it was not accepted.

146. The Workers' members then presented an amendment to Article 2, to add two new paragraphs after paragraph 2, as follows:

"3. The central coordinating authority should make appropriate arrangements to promote effective cooperation between public institutions and other organizations concerned with seafarers' working and living conditions.

4. To ensure cooperation between shipowners, seafarers and their respective organizations and inspectors, and in order to maintain or improve the working and living conditions of seafarers, the central coordinating authority should consult the representatives of such organizations at regular intervals as to the best means of attaining these ends. The manner of such consultation should be determined by the central coordinating authority after consulting with shipowners and seafarers' organizations."

The substance of this text had already been agreed upon in the 1994 Tripartite Meeting. The amendment merely moved this text from the draft Recommendation to the new Convention. The Committee's discussion had underlined the importance of good, structured relations between the three parties. The aim of the amendment was to ensure that coordination took place between the CCA and the shipowners and seafarers and this should be mandatory.

147. The Employers' members remarked that the parties should not be overburdened. The text in the draft Recommendation was optional, but if it was put into the Convention, then every "should" would become a "shall", i.e. the CCA *shall* consult, etc. This could make the Convention unratifiable. The Employers wished to hear the governments' views.

148. The Government members of Canada, Denmark, Malta, Netherlands, Panama, the Russian Federation and the United Kingdom all agreed with the Employers that the text should stay in the Recommendation, whereupon the Workers' members withdrew their amendment.

149. The Workers' members then introduced an amendment to Article 2, paragraph 3, to add at the end the words "and publish annually a list of institutions or organizations so authorized".

150. The Employers' members observed that somebody could be authorized, but that authority could subsequently be withdrawn. Anyone inspecting should have the authority to do so at that time. They wished to seek clarification on

whether a ratifying country that had not published the list would be deemed to be in violation of the Convention and cited by the ILO's Committee of Experts on the Application of Conventions and Recommendations.

151. The Government member of the United Kingdom suggested that the required information should be made available from the CCA. Establishing and publishing a list annually was time-consuming and costly; besides it was usually out of date by the time it was printed.

152. The Government members of Cyprus, Denmark and the Netherlands supported the United Kingdom suggestion. The Workers thought it very practical and also went along with it, so long as public access was provided.

153. The Employers' members formulated a subamendment, to delete the words "publishing annually" and to insert the phrase "and maintain an updated list of institutions so authorized". The Government member of France supported this subamendment. Article 9 of the draft Convention suggested that the CCA should prepare an annual inspection report. The list could be published in that report, contributing to transparency.

154. The Chair thought that the issue was for shipowners and ships' masters to be able at all times to obtain the required information from the CCA. The Committee adopted Article 2 as subamended.

Article 3

155. The Government member of Sweden then presented an amendment to replace Article 3 with the following new paragraph:

"Each Member shall ensure that all ships registered in its territory are inspected on a regular basis with intervals not exceeding two years and, when practicable, annually, to verify that the working and living conditions on board conform to national laws or regulations."

His Government would have difficulties in ensuring annual inspections. He indicated that the proposed new wording was akin to an amendment to Article 3 formulated by Greece, to insert between "inspected" and "annually" the words "on a regular basis and when practicable ...".

156. The Chair proposed to deal with all amendments to Article 3 simultaneously. These concerned, besides those of Greece and Sweden, that of the Republic of Korea to replace "annually" with "at regular intervals", which should be prescribed by national laws or regulations, that of the Employers' members to replace "annually" with "at specified regular intervals", and that of the Workers' members to add after "annually" the words "or within three months of substantial changes in construction or accommodation arrangements, or transfer of registry".

157. The Workers' members recalled that the draft Article 3 also was the fruit of extensive discussions in 1994. What was agreed then should not be lost now. Annual inspections were already carried out in quite a number of countries. Given today's social conditions of seafarers they were indispensable.

158. The Employers' members withdrew their amendment, since the issues were covered in the text proposed by the Republic of Korea, which they supported.

159. The Government member of Korea said annual inspection would be impossible in his country given the number of ships involved. The Government member of Greece concurred, saying that an annual inspection regime would make ratification impossible for his country. He suggested a subamendment to combine his proposal with the Korean one, by adding the words "and when practicable, annually".

160. The Government member of Sweden felt that some pressure should be brought upon governments, otherwise there would not be enough concern to carry out these inspections at regular intervals not exceeding a certain period. If not, inspections would often fail to take place because of other priorities. The amendment should stay.

161. The Employers' members recalled that at the 1994 Tripartite Meeting many governments had experienced difficulties with the idea of annual inspections. It was a burden on governments, and shipowners were concerned about delays if they had to wait for inspections. The Employers supported the amendment by the Republic of Korea.

162. The Workers' members insisted that their support was for annual inspections combined with additional inspections in case of irregularities. They could accept merging the first part of their amendment with that of Sweden.

163. The Government member of Germany, in supporting the Swedish amendment, said that if it were left to each Member to set its own intervals of inspection, this would lead to great disparities of inspection periods and in consequence run against the intention to safeguard seafarers' conditions. Without fixed intervals, nothing would be gained.

164. The Government member of Lebanon thought that each government should itself set the interval. She could not agree to annual inspections, referring to the difficulties Members experienced in meeting the deadlines for the submission of annual reports under the Labour Inspection Convention, 1947 (No. 81).

165. The Government members of Denmark, Japan and the Netherlands supported the Korean amendment.

166. The Government member of Canada emphasized that merely introducing a requirement of regular intervals would make the text too open-ended. He called for inspection on a regular basis, when practicable annually, but at intervals not exceeding two years.

167. The Government member of the United States opposed the amendment by the Republic of Korea. Her Government wanted a regime that was mandatory. Therefore she also supported the Swedish amendment. The Government member of Cuba also supported it, as it did not exclude shorter inspection intervals.

168. The Government member of the Russian Federation asked if it were possible to combine the two amendments.

169. The Workers' members noted the growing support for the Swedish amendment. If the Korean amendment were adopted then the Convention would lose a great deal of its force. What might be an acceptable limit for some governments (five years? ten years?) would not be acceptable to others. How could one justify the inevitable discrepancy between the time-limits which would

be imposed by different States? Furthermore, failure to set such a time-limit would be contrary to the work of ILO and IMO. Both organizations were constantly seeking to raise standards. He conceded that there was very little support for annual inspections amongst the Governments, and the Workers' group therefore gave its support to the Swedish amendment. An interval of more than two years would not, however, be acceptable. He agreed with the comment by the Employers that the second part of the Workers' amendment could be discussed separately.

170. The Government member of Panama said he had no difficulty in accepting the requirement for annual inspection; indeed a law to that effect was presently being drafted by his Government. In the interest of consensus he proposed that the amendment by Sweden be adopted, with a subamendment to read "at intervals not exceeding three years".

171. The Government member of the Islamic Republic of Iran supported the amendment by Sweden because it seemed practical. The Government member of Cyprus also took this position.

172. The Government member of Denmark expressed concern over the term "on a regular basis" as he believed that random inspections were of far greater impact. He recalled that the IMO had, in the past, put in place unscheduled inspections. This was, however, later changed to periodic inspections, as these were more practicable to implement. He suggested random inspections at intervals not exceeding five years, and annually if practicable.

173. The Government member of Greece supported the subamendment by Denmark. It should be combined with a text to the effect that, if a member State received a complaint or obtained information that a ship did not comply with national laws, then that Member would undertake to carry out an inspection.

174. The Government member of France said that it was the responsibility of each flag State to carry out inspections. This was at the heart of the new Convention. He recalled that IMO resolutions called for annual safety inspections. The ILO should not do less for seafarers' living and working conditions. The fact that Article 2, paragraph 3, had been left intact meant that the task of inspection could be delegated. He was therefore in favour of the Swedish proposal.

175. The Government member of Denmark returned to the proposal made by the Government member of Greece which could be combined with his own. He again emphasized that to hold unscheduled inspections would increase their effectiveness, and the need to deal with complaints as a priority could be addressed separately.

176. The Employers' members could not support the Swedish proposal unless the time-limit was changed to "intervals not exceeding three years". The Workers' members, however, could not agree to this.

177. The Government member of the United States pointed out that some Governments such as hers were in favour of retaining annual inspections. But she would go along with the Swedish amendment. The Government member of Canada supported this position.

178. The Chair suggested informal consultations to resolve the issue in a manner acceptable to all. He emphasized that, in the interests of everyone hoping to see the Convention ratified, it was important to achieve consensus.

179. The Government members of France, Italy and Portugal submitted an amendment to add a new paragraph 2 at the end of Article 3, as follows:

"When conducting an inspection, inspectors should deliver to the master an inspection report standard in both format and contents, in the national language and in the two official languages of the International Labour Organization. Deficiencies shall be mentioned in the report as well as its date of expiration not exceeding 12 months. It must be kept on board and required in case of any control."

The existing text becomes paragraph 1. The Government member of France said that it aimed to ensure the inspector would hand in a report in a standardized form.

180. The Workers' members endorsed the amendment, but believed that it would be more judicious to discuss it in conjunction with Article 9 of the proposed Convention. It was to that Article that they had submitted an amendment with a similar wording. In their view, the question of the report's language was of major importance because often the nationalities of the crew did not correspond to that of the flag of the vessel and consequently many of the crew were unable to understand the report if it was prepared only in the national language.

181. The Employers' members opposed the amendment on the grounds that there was no need to deal with the question of the inspectors' report outside of Articles 8 and 9, and that the preparation of the report in two or more languages was not feasible. It was sufficient to prepare the report in the language of the flag State. The last sentence of the amendment, proposing that the inspection report be kept on board and presented in case of any control, was also unacceptable because it conferred authority upon the port State. Whereas the Government member of France continued to support the amendment and suggested that the words "and required in case of any control" be deleted, the Government member of Denmark stated his opposition on the grounds that Articles 8 and 9 already covered the subject. Following a proposal by the Employers' members the Committee agreed to discuss the question under Article 9.

182. As regards Article 3, the Government member of Canada informed the Committee that informal consultations following the previous sitting had examined the provisions regarding inspection periodicity, and had reached an agreement and proposed a revised amendment reading as follows:

"(1) Each Member shall ensure that all ships registered in its territory are inspected at intervals not exceeding three years and, when practicable, annually, to verify that the working and living conditions on board conform to national laws or regulations.

(2) If a Member receives a complaint or obtains evidence that a ship registered in its territory does not conform to national laws and regulations in respect of working and living conditions, the Member shall take measures to inspect the ship as soon as practicable.

(3) In cases of substantial changes in construction or accommodation arrangements the ship shall be inspected within three months of such changes." Further consultations concerning the definition of living and working conditions on board ship could not be concluded before the Committee took a final decision on the port or flag state question.

183. Turning to the revised amendment, the Workers' members objected to the fact that it failed to make reference to a possible change of registration and that it included the term "national laws and regulations". They understood that the Committee had decided not to discuss this issue in conjunction with this Article. The Employers' members, for their part, were not prepared to support the Article if it did not refer to national laws and regulations. Moreover, they wondered why the change of registration was perceived as an important issue for the living and working conditions on board, when the ship, in any case, had to conform to national laws and regulations. Furthermore, paragraph 2 of the proposed new Article 3 imposed obligations on governments which they might find difficult to comply with.

184. Whereas the Workers' members welcomed the inclusion of a concrete time frame concerning the periodicity of inspection, they continued to object to the inclusion of the phrase "national laws and regulations" and proposed to defer the discussion on this subject until a decision had been taken on the flag or port State question.

185. The Government members of Canada and the Netherlands were of the opinion that the term "national laws and regulations" had to be retained because the Article addressed a flag State.

186. For their part, the Employers' members expressed readiness to accept the text as proposed by the Government members.

187. Replying to the question whether the Article was to address port States or flag States, the deputy representative of the Secretary-General explained that the defining words of the revised amendment were "ships registered in the territory" and that the words "national laws and regulations", if they were included, had to be read in that context. As to the remark of the Workers' members that the term "national laws and regulations" was rejected during the discussion of Article 1, paragraph 7(a), he recalled that the subparagraph in question related to the definition of the central coordinating authority and not to the definition of legal provisions. When the question was raised again in Article 1, paragraph 7(c), it was deferred to the time when the flag or port State debate would take place.

188. The Committee adopted the revised version of the amendment without further subamendments.

Article 4

189. The Workers' members wished to amend Article 4 concerning the qualification of inspectors by adding at the end of the Office text the words "in compliance with the Convention".

190. Not opposing the proposed amendment, the Employers' members suggested deleting the last words of the Office text which read "secure the

effective discharge of their duties". Since the latter proposal received the support of the Government member of the Netherlands as well as that of the Workers' members, the Committee adopted the amendment as subamended by the Employers. The text of Article 4 now read as follows: "Each Member shall appoint inspectors qualified for the performance of their duties and shall take the necessary steps to satisfy itself that inspectors are available in sufficient number to meet the requirements of the Convention."

191. Introducing a new amendment to the same Article, which would transfer the text of Paragraph 8 of the draft Recommendation to this Article as a new paragraph 2, the Workers' members were keen to stress the importance of having inspectors with appropriate competence and ability for the tasks they had to perform and wished to have this reflected in the Convention.

192. The Employers' members opposed the amendment because the text prepared by the Office already referred to qualified inspectors. Furthermore, they were not prepared to accept a provision which required inspectors to have maritime experience and a good command of the English language. The Government members of Denmark, the United Kingdom, the Netherlands and Japan also stated their inability to support the amendment.

193. The Workers' members emphasized that an inspection report, which had been drawn up in the national language only, might not be understood by foreign crew serving on board ship.

194. The Government member of Japan pointed out that Japanese vessels engaged foreign crew in increasing numbers, and in consequence his Government was making a major effort to train inspectors in the English language.

195. The Committee rejected the amendment in question.

Article 5

196. The Workers' members proposed to amend Article 5 by adding four new subparagraphs (f) to (i), drawn from Paragraph 13 of the draft Recommendation concerning powers of inspectors.

197. The Employers' members opposed the amendment on the grounds that by transferring to the Convention those provisions which were intended to be in the Recommendation they would be turned into obligations. If such details became part of the Convention, many governments would not be in a position to ratify it.

198. The Government members of the Netherlands and Denmark were prepared to accept the text in the Recommendation but not in the Convention.

199. The Government member of France drew attention to an amendment submitted by the Government member of Belgium and himself concerning a new Article 5 which dealt with the same subject as the amendment under consideration. Confirming that this amendment also concerned seafarers' working and living conditions, the Workers' members expressed readiness to discuss the two amendments together.

200. In view of the opposition expressed by the Employers' members and most Government members, the Chair noted that the Workers' amendment was rejected.

201. The Workers' members then introduced an amendment to add a new paragraph 2 to Article 5, corresponding to Paragraph 16 of the draft Recommendation concerning the independence and discretion of inspectors. They stressed that the items listed in the subparagraphs were neither trivial nor just details which should be referred to the Recommendation. Distinction had to be made between those contracts which were drawn up between governments and classification societies and those which might hinder the proper professional functioning of an inspector who should have no direct or indirect interest in the operations of the inspection services involved. Furthermore, the inspector's report was to be kept confidential in order to protect seafarers from risks such as being blacklisted and losing their livelihood.

202. The Employers' members opposed the amendment on the grounds that, if adopted, it would require countries to change their national legislation and that the concern expressed in the proposed subparagraph (d) had already been incorporated in other parts of the draft Convention. They suggested that the subparagraphs in question remain in the Recommendation.

203. The Government member of France supported the amendment with some modifications, pointing out that comparable provisions appeared in Convention No. 81. The Government members of the United Kingdom, Denmark, the Netherlands, Sweden, the Islamic Republic of Iran, the Russian Federation and Cyprus were not in favour of transferring these subparagraphs from the Recommendation to the Convention. For some of them the inclusion of this text in the Convention would prevent States from ratifying it.

204. The Workers' members pointed out that there seemed to be a confusion between keeping a complaint confidential and keeping the source of the complaint confidential. They felt that the amendment concerned a moral issue and regretted that several governments were not ready to subscribe to it.

205. The Government members of Denmark and the Netherlands recalled that in their countries inspectors had to observe the confidentiality of reports and that the provisions proposed in the amendment were actually in force.

206. The Committee rejected the proposed amendment.

207. The Workers' members introduced a further amendment, to add at the beginning of Article 5 the wording of Paragraph 7 of the draft Recommendation. They expressed surprise at the fact that governments considered such provisions unnecessary in a Convention. Nevertheless, this was essential for ensuring the adequate functioning of inspection. Certain governments were referring to the circumstances which prevailed in their own country, but the Committee had to keep in mind that the instruments should concern all relevant countries and that they did not all operate in a context as favourable as that in Denmark and the Netherlands. Any interference with the independence of inspectors should be considered unacceptable to all parties including shipowners. The present Conference presented an important opportunity for eliminating such abuses.

208. The Government members of Egypt, Sweden, the Islamic Republic of Iran, the United Kingdom and Mexico proposed to maintain these provisions in the Recommendation. On the other hand, the Government members of Finland, the Netherlands, Cuba and Denmark were ready to accept the amendment after

having heard the explanations of the deputy representative of the Secretary-General that the provision figured in Convention No. 81 which was one of the most widely ratified Conventions of the ILO, and that the Committee of Experts on the Application of Conventions and Recommendations had not noted any particular difficulty of application.

209. The Committee thus agreed to add at the beginning of Article 5 the following words: "Inspectors should have the status and conditions of service to ensure that they are independent of changes of government and of improper external influences".

210. The Employers' members withdrew their amendment specifying that credentials were to be issued by the CCA. In a further amendment they suggested replacing Article 5(a) by the following text: "to board a ship registered in the territory of the Member and to enter premises necessary for inspection;". They wished to increase the authority of the inspectors while simplifying the text of the Article. The deputy representative of the Secretary-General recalled that the aim of the Office text corresponded to that of earlier ILO Conventions on labour inspection.

211. Whereas the Workers' members had no basic objection to the amendment they considered it somewhat brief. The Office text contained important elements which would be lost if the proposed abbreviation was accepted. In replying to the Workers, the Employers' members pointed out that the issues listed in the present Office text could be transferred to the Recommendation.

212. The Committee adopted the amendment.

213. Considering that the Committee had adopted a new text for Article 5, paragraph (a), the Government member of the Netherlands withdrew his support for the amendment to this provision, which had also been sponsored by the Government members of Cyprus, Denmark, France, Greece and Spain. The amendment was rejected.

214. The Employers' members introduced an amendment to Article 5(b) deleting the words "in order to satisfy themselves that the legal provisions are being strictly observed". They explained that this amendment was to simplify the language of the Article.

215. The Workers' members and the Government member of France disagreed with the proposal.

216. The deputy representative of the Secretary-General pointed out that the wording was taken from Article 12, paragraph 1(c), of Convention No. 81.

217. The Committee rejected the amendment.

218. In presenting an amendment to Article 5(c), the Employers' members explained that the proposed new text, "to require that deficiencies are remedied", aimed at strengthening the authority of the inspectors. Upon receiving the support of the Workers' members as well as that of the Government members of Cyprus and Denmark, the amendment was adopted.

219. In a further amendment the Employers' members proposed to replace Article 5(d) and (e) with the following new paragraph (d) "where they have grounds to believe that a deficiency constitutes a significant danger to seafarers'

health and safety, to prohibit, subject to any right of appeal to a judicial or administrative authority, a ship from leaving port until necessary measures are taken. The ship shall not be unreasonably detained or delayed."

220. Except for the last sentence the Workers' members were ready to support the amendment. They pointed out that in their amendment to Article 5, paragraph (e), they wished to stress the need for detaining a ship until remedial measures had been taken.

221. The Government member of the Netherlands was in favour of keeping the last sentence referring to unreasonable delay on the grounds that it was a standard sentence which frequently appeared in maritime law.

222. The deputy representative of the Secretary-General recalled that the only ILO Convention in which such wording appeared was Convention No. 147, Article 4, which referred to port state action.

223. The Employers' members explained that, by introducing this amendment, they intended to prevent governments from taking unreasonable action.

224. While the Government member of Denmark supported the proposed amendment, the Government member of Spain wished to retain the Office text.

225. The Workers' members wondered whether governments were really ready to accept a text which made reference to "unreasonable delay" in view of the fact that the requirement placed an additional burden on them. They referred to paragraphs 1 and 2 of Article 6 which, in their opinion, sufficiently covered the question of unreasonable delays, if any wording on this subject was required. It was important that overall the language in the Convention would not deter inspectors from fulfilling their functions. The Workers felt that this was generally agreed by Committee members.

226. The Employers' members felt, however, that they were entitled to compensation in case of unreasonable delays.

227. The Workers' member of Germany said that there were many valid reasons for a ship being delayed or detained. In his view, adequate time should be allowed for any complaint made by seafarers to be fully investigated before a ship was allowed to leave port. Incidents, such as outbreaks of illnesses on board ship, might not be remedied if a ship were to leave port.

228. The Committee adopted the proposed amendment.

229. In view of the adoption of the Employers' amendment concerning a new Article 5, paragraph (d), the Workers' amendment to replace Article 5, paragraph (e), was withdrawn.

230. The Government member of Angola submitted an amendment proposing that a new paragraph (f) be added after the old paragraph (e) as follows: "to question the master, seafarer or any other person, including the shipowner or the shipowner's representative, on any matter concerning the application of the legal provisions in the presence of a witness that the person may have requested;". The amendment was seconded by the Government member of France and also received the support of the Workers' members.

231. In view of the fact that the Employers' members, together with the majority of Government members, including the Netherlands, Denmark, Cyprus

and the United Kingdom, were not ready to support it, the Committee rejected the amendment.

Article 6

232. The Workers' members proposed an amendment to delete Article 6 on the grounds that a ship might be allowed to leave port in circumstances which might be detrimental to the health and safety of seafarers on board, and the very strong wording might inhibit inspectors from taking appropriate action.

233. The Employers' members pointed out that the last phrase of Article 6, paragraph 2, had put the burden of proof on the shipowner or operator. Therefore, it was essential to provide shipowners with a framework within which they could seek compensation in case of unreasonable delay.

234. The Government members of Denmark, the Netherlands and the United Kingdom wished to retain the draft Office text.

235. The Committee rejected the proposed amendment.

236. With regard to Article 6, paragraph 2, the Employers' members introduced an amendment to add, after "compensation", the words: "from the central coordinating authority".

237. The Workers' members rejected the amendment because they considered that any such proposal could be more appropriately included in the Recommendation.

238. The Government members of Greece and Denmark were also against the amendment. The Committee rejected it.

239. The Government member of Angola submitted an amendment, seconded by the Government member of France, to add after Article 5, a new Article 6 consisting of Paragraph 16 of the draft Office text for a Recommendation, concerning the inspection of seafarers' working and living conditions. These paragraphs concerned the direct or indirect interest of inspectors in operations which they were called upon to inspect, the confidentiality of commercial secrets, complaints concerning danger or deficiency in relation to working and living conditions and the inspector's duty to bring to the attention of the shipowner or the operator any deficiencies which might affect the health and safety of those on board ship. Whereas the Workers' members were in favour of the amendment, the Employers' members could not endorse it for the same reasons for which a similar amendment had failed to gain the Committee's support. The Committee rejected this amendment also.

Article 7

240. The Government member of Chile proposed to postpone discussion of an amendment, also sponsored by the Government member of Mexico, to add a new Article 7 after the draft Article 6 until after the discussion of the flag state or port state issue arising in the Preamble to the proposed Convention. An amendment submitted by the Employers and a further amendment, submitted by the Workers' on the same Article, were then withdrawn.

Article 8

241. The Employers' members proposed an amendment to combine and modify paragraphs 1 and 2 of Article 8 as follows: "The central coordinating authority shall maintain records of inspections of working and living conditions and shall publish a summary report of these inspections.". The Workers' members requested, however, that the Office text be retained. The amendment was rejected.

242. Referring to the previous amendment, the Government member of the United Kingdom questioned whether a text had to be accepted merely because it had already been included in Convention No. 81. An instrument adopted in 1996 had to be relevant to the requirements of the day and should not necessarily repeat formulations of 50 years ago. The Government member of Greece agreed but requested a ruling by the Chair prior to his intervention.

243. The Workers' members considered that coming back to an amendment which had been rejected by the Committee would set a dangerous precedent. The debate should therefore be considered as closed. The Employers' members indicated readiness to discuss the point if Office procedures permitted it. In view of the fact that the following amendment related to the same paragraph, the Chair decided not to reopen the discussion.

244. The Government member of Lebanon introduced an amendment with a view to modifying paragraph 2 of Article 8. She proposed to request that the CCA be required to publish a report every two years instead of annually, and to delete the second sentence of that paragraph. The amendment was seconded by the Government members of the United Kingdom and Greece.

245. The Workers' members opposed the amendment on the grounds that the question had already been adequately dealt with in the discussion of the amendments to Article 3. The Employers' members considered that the proposed amendment referred to an obligation of governments and consequently it should be for the governments to decide whether the proposal was acceptable.

246. The Government member of the Netherlands maintained that periodicity of inspections and of the report to be prepared by the governments involved two distinct issues. The fact that vessels might be inspected every three years only did not make an annual report superfluous. Whereas the Government member of Cyprus proposed that the periodicity of the governmental report should be the same as the periodicity of the inspection, the Government members of Denmark, Finland, the United States, Greece and France believed that an inspection every three years should not prevent governments from publishing annual reports. If this practice was possible in industry in general, it should be possible also in the maritime industry. The Committee decided to retain the draft Office text.

Article 9

247. The Workers' members introduced an amendment to Article 9, paragraph 1, to add, in the first line after the word "report", the words: "in the national language and in English and any other languages deemed appropriate," and to replace, in the third line, the word "or" with "and". This was in order to ensure that the inspectors' reports would be understood by all crew on board ship. Since there were more and more States whose ships engaged foreign crew, the

reports should be distributed in both the national language and one of the ILO's official languages. This practice would also enable the organizations of seafarers to read the reports.

248. The Employers' members objected to the proposed modification of the draft Office text and insisted that the language used in the inspectors' reports should be that of the ship's flag State. In their view, inspectors should write reports in their national language. Moreover, this question had already been dealt with in conjunction with a previous amendment submitted by the Governments of France, Italy and Portugal concerning Article 3.

249. The Workers' members considered the statement of the Employers' members irrelevant to the situation in many countries. On certain ships the vast majority of the crew did not speak the national language. Inspectors would thus not be able to communicate with them. They cited the case of the "Scandinavian Star" in which the deaths of many persons were partly caused by difficulties in communication.

250. In order to find a compromise between the two positions, the Government member of Canada subamended Article 9 to insert after the words "one copy of the report" the words "in English or the working language of the ship". The Government member of the Netherlands supported this subamendment. Other Government members such as Japan and the United Kingdom were still not convinced of the necessity to include the proposed text. In Japan there were 20,000 vessels of which only 300 had foreign crew; and it was also difficult to imagine that an inspector in the United Kingdom could be requested to prepare a report in, for example, Croatian.

251. The Government member of France proposed that this amendment be considered in conjunction with a previous amendment to Article 3 jointly sponsored by the Government members of France, Italy and Portugal, which had already been discussed. It included elements which could be useful for the present debate. However, the Committee discussed the amendment no further.

252. In the following discussion the Government members of Malta, United States, Greece, China, Cyprus, the United Kingdom and Denmark expressed support for the subamendment proposed by the Government member of Canada on the grounds that the question of language could relate to problems of safety. However, some felt that the translation of inspectors' reports should be the duty of the shipowners. In response to the objections raised by the Government members of the Russian Federation and Greece to the preparation of reports also in English, the Chair pointed out that the translation of reports into a second language would not be required in situations where the crew spoke the national language. Upon receiving the support of the Workers' and Employers' members, the Committee adopted the first part of the amendment. The second sentence of Article 9, paragraph 1, thus read: "One copy of the report in English or the working language of the ship shall be furnished to the master of the ship and another shall be posted on the ship's notice-board for the information of the seafarers or sent to their representatives."

253. Turning to the second part of the amendment, the Workers' members recalled that some seafarers might not be able to comprehend the content of the inspector's report. Consequently it might be useful also to inform their

representatives. The Employers' members believed that this requirement would put an unnecessary burden on governments. Since the report of the inspector was posted on a notice-board, the seafarers could easily copy and transfer it to their representatives. In addition to the Employers' members, the Government members of Denmark and Greece opposed the second part of the amendment. The Committee thus rejected that part of it.

254. The Employers' members presented an amendment to delete paragraph 2 of Article 9 because they considered the one-month delay given for the preparation of the inspector's report after a major incident unreasonable. They also indicated some difficulty in defining the term "major incident". In replying to them and to the Workers' members who raised a similar question, the deputy representative of the Secretary-General referred to Article 2(g) of Convention No. 147, which defined "serious maritime casualty" as one involving injury or loss of life, and stated that the Office understood the term "major incident" in the same sense. The report in question in the present Article 9 would be an inspection report and not a formal inquiry into an accident.

255. The Government member of the Netherlands opposed the inclusion of a definition concerning the term "major incident" because that was a matter for the governments to decide. The Government member of Canada objected to the amendment on the grounds that major incidents might not always have implications for the living and working conditions of seafarers. He proposed to modify the text so as to refer to Article 3 of the proposed Convention.

256. The Government member of Denmark considered that the term "major incident" referred to occupational accidents, as envisaged in Convention No. 134, which would call for an investigation.

257. Recalling the discussions in the Tripartite Meeting in 1994, the Workers' members differentiated between reports of routine inspections and those which had to be prepared after a major incident. In their opinion, it was of particular importance to prescribe a time-limit for the presentation of this latter report. For them the term "major incident" referred to problems of working and living conditions arising from an incident, such as a cabin fire, rather than a collision or a major *accident*. In such cases, inspectors should prepare a longer report and issue it within one month. Replying to the concern raised by the Government member of the United Kingdom that an early publication of a report might prejudice possible legal proceedings, the Workers' members pointed out that the report in question would not be devoted to the causes of the incident, but to its implications for the working and living conditions of seafarers.

258. The Government members of Algeria and France stressed the need to define carefully what was meant by the "report" in question. They regretted that no time-limit had been attached to the report referred to in paragraph 1, since this could lead to difficulties of interpretation and implementation. The Employers' members believed that the deletion of paragraph 2 would increase the freedom of governments concerning the preparation of inspection reports.

259. To the point raised by the Government member of France, the deputy representative of the Secretary-General replied that the 1994 Tripartite Meeting had not expressed an opinion on this issue, which meant that the matter would be left to national legislation and practice.

260. Turning to the proposal of the Government member of Denmark that paragraph 2 of Article 9 should be transferred to Article 3, the Workers' members objected to any further modification of Article 3. They proposed that it should be left to the Drafting Committee to come up with a formulation which would ensure that the publication of the inspector's report did not prejudice a possible legal action. The Employers' members thereupon withdrew their amendment.

261. Commenting on an amendment by the Government member of Lebanon concerning Article 9, paragraph 2, to replace in the second line the words "but not later than one month" with the words "within three months", which they supported, the Employers' members wished to know whether the one-month time frame proposed for the submission of inspectors' reports was acceptable to governments. The Government members of the Netherlands and Canada indicated that this was acceptable because the one month in question referred to the preparation of the reports and not to the actual time needed for investigation.

262. Whereas the Government member of Sweden considered that the discussion concerning the question of "major incident" had been closed too soon, the Chair ruled that the Committee should continue discussing the amendment of the Government member of Lebanon. The Government members of Denmark, the United Kingdom and France were ready to support it. However, the Government member of France wished to reconsider paragraph 1 of Article 9, where the decision concerning the time frame had been left to the discretion of the national authority.

263. The Government member of Algeria proposed a subamendment, according to which the text "notwithstanding the result of an official inquiry" would be inserted after the words "major incident". The deputy representative of the Secretary-General recalled that the discussion on paragraph 1 was closed. He proposed that the Drafting Committee be asked to consider formulating an amendment to paragraph 2 which would reserve the possibility of withholding a report if its publication would prejudice a possible legal action. The tentative draft of that amendment could say that submission of the report may be delayed to a later date if a possible prosecution may otherwise be prejudiced.

264. The Government members of Spain and Finland could not accept the amendment. The Government member of Tunisia wished to modify the text so as to clarify that paragraph 1 referred to a routine inspection and paragraph 2 to an exceptional inspection after a major incident.

265. To avoid confusion between "inspection" and "investigation", the Government member of the Netherlands proposed to subamend the text to read as follows: "in order to establish whether working and living conditions still meet the requirements". While the Government member of Denmark supported the subamendment, the Government member of Cyprus believed that there was no need for any further clarification.

266. The Workers' members endorsed the view expressed by the previous speaker and called for a rejection of the amendment before the Committee. They stressed that inspection should under no circumstances be confused with criminal investigation. With the agreement of the Workers' and Employers' members to request the Drafting Committee to reformulate the text proposed by the deputy

representative of the Secretary-General, the Chair ruled that the draft Office text of paragraph 2 should be retained and reworded as proposed by the Drafting Committee.

267. Examination of the amendment submitted to Article 10 by the Governments of Cyprus, Denmark, the Netherlands and Norway was postponed until a decision had been reached on the flag or port state issue.

Proposed Recommendation concerning the inspection of seafarers' working and living conditions

Preamble and Paragraphs 1 to 3

268. No amendments were submitted to the Preamble or to Paragraphs 1 to 3 of the Office text.

Paragraph 4

269. The Employers' members withdrew the amendment they had submitted to subparagraph (a).

Paragraph 5

270. Consideration of a further amendment submitted by the Employers to subparagraph (a) of Paragraph 5 was postponed until the question of flag or port state control had been resolved.

271. The amendment of the Employers' members in which they wished to modify the text of Paragraph 5(b) by replacing the words "existing legal provisions" with the words "national laws and regulations" was rejected by the Committee as a result of the objection of the Workers' members and the insistence of the Government member of Canada on retaining the draft Office text in view of the fact that the term "legal provisions" was more extensive than the term "national laws and regulations".

272. The Employers' members proposed an amendment to include a new subparagraph (c) to read "inspectors to board ships and enter relevant premises freely and without previous notice at any hour of the day or night". With the support of the Workers' members, the Committee adopted the amendment.

Paragraph 6

273. In view of the previous discussions on the question of national laws and regulations, the Employers' members withdrew their amendment to subparagraph (a).

274. Wishing to ensure that crew members themselves had the right to call for an inspection, the Government members of the Netherlands and Greece submitted an amendment to subparagraph (c), to replace it with the words: "enable masters and/or crew members to call for an inspection when they consider it necessary; and". Whereas the Workers' members indicated agreement with the proposal, the Employers' members pointed out that the complaints procedure was amply covered within the Convention itself and therefore there was no need to repeat the issue also in the Recommendation.

275. The Government member of Denmark considered the proposed change unnecessary and wished to retain the Office text. The Government member of the Netherlands and the Workers' members supported the amendment on the grounds that crew members might have reservations about making a complaint through the master, in particular if the master was also the owner of the ship. They might fear reprisals including losing their employment. It would therefore be helpful if individual crew members could bypass the master and make a complaint directly to the appropriate authorities. Moreover, the text of the Recommendation seemed to be more restrictive than that of the Convention. The Committee adopted the amendment.

276. The Workers' members then proposed to add in Paragraph 6(c), after the word "crew" the words "or by the representatives of the seafarers". While the Government members of Canada, the Netherlands and Denmark endorsed the amendment, the Employers' members pointed out that the amendment just adopted had already dealt with the issue.

277. The Government member of the United Kingdom expressed the fear that those who might be dissatisfied with the fact that an inspection of all the ships of a particular flag would be undertaken only every three years could ask for an additional inspection through the proposed procedure. Upon receiving an explanation from the Workers' members that this would not be the case for all the ships of a country's fleet, but on a case-by-case basis, the Committee adopted the amendment.

278. The Employers' members withdrew an amendment to subparagraph (d), whereupon the Government member of Greece presented his amendment, co-sponsored by the Government member of Denmark, to replace the words "shipowners and seafarers" with the words "shipowners' and seafarers' organizations" because, in his view, it was more appropriate for administrations to communicate with shipowners and seafarers through their organizations.

279. The Government members of Canada and the Netherlands, together with the Employers' and the Workers' members rejected the amendment. The Workers' members explained that crew members needed to be aware of all relevant technical advice and information which would be more useful for them if received directly. The Committee rejected the amendment.

Paragraphs 7 to 10

280. No amendments were submitted to Paragraphs 7 to 10.

Paragraph 11

281. An amendment submitted by the Government member of Lebanon was not considered because it was not seconded.

Paragraph 12

282. An amendment submitted by the Government member of Lebanon was not considered because it was not seconded.

Paragraph 13

283. Two amendments submitted by the Employers' members were withdrawn.

284. The Employers' members then introduced a further amendment to subparagraph (b) to replace the words "legal provisions and to make copies" with the words "national laws and regulations". They modified this to only delete the words "and to make copies". Since there were no objections to the proposal, the Committee adopted it. The Employers' members thereupon withdrew their amendment to Paragraph 13(c).

285. In an amendment to subparagraph (d) the Workers' members requested addition of the word "for" after the word "remove" in line 1 of the English version. The Committee adopted the amendment. In a further amendment, the Workers' members wished to replace the word "or" with the word "and" in line 3 of Paragraph 13(d). The Committee adopted the proposal.

Paragraphs 14 to 16

286. No amendments were submitted to Paragraphs 14 to 16.

Paragraph 17

287. The Employers' members withdrew their amendment.

Paragraph 18

288. No amendments were submitted to Paragraph 18.

New Part V

289. The Government members of France, Spain and Italy proposed an amendment for a new Part V to be added at the end of the draft Recommendation. The aim of this amendment was to invite the International Labour Office to draw up maritime labour guidelines for flag States which should contain, in its appendix, a standardized format of the document referred to in Article 3 of the new Convention concerning the inspection of seafarers' working and living conditions. When introducing the amendment, the Government member of France recalled that guidelines already existed but were more closely linked to Convention No. 147. It would therefore be useful to develop similar guidelines in respect of the instruments elaborated in this Committee. The Government member of Tunisia believed that the proposed guidelines could be considered useful by States which intended to ratify and apply the Convention. The usefulness of such guidelines was further affirmed by the Workers' and Employers' members.

290. The Government members of Denmark and the Netherlands questioned the necessity to draw up standardized forms. In their view this matter had to be left to the governments themselves. The Government members of Germany and Spain supported the proposal of the Government of France and remarked that the use of the proposed standardized forms would not be obligatory.

291. Whereas there was unanimous agreement as to the usefulness of the proposed guidelines, the deputy representative of the Secretary-General noted that the existing guidelines were published in 1990 after a meeting of ILO experts. He

observed that it would be more appropriate to put the request contained in the amendment in a different form. The proposal was made by the Workers' members to draft a resolution to this effect, and the Government members of France and the Russian Federation supported this. The Committee decided to consider the text of a draft resolution at a later stage.

Preamble to the Convention

292. The Chair asked the Committee to revert to the amendments concerning the Preamble, as agreed at the first sitting. The Employers' members referred to their relevant amendment to change the draft Convention into a Recommendation. They recalled the reservations they had expressed about adopting the new Convention if subsequent changes to the draft Office text made it unacceptable. However, in the light of the Committee's discussions and the substance of the proposed new Convention, Employers could accept it even though governments would have to take care how to interpret and apply certain clauses. It was in language appropriate to ILO Conventions, and therefore the Employers' members wished to withdraw their amendment.

293. The Government member of Sweden then referred to an amendment to the Preamble that he had introduced earlier. He noted that all the Preambles of draft Conventions reviewed by this Conference contained references to other Conventions and Recommendations as well as to the year of their adoption. Therefore Sweden proposed that references to the official titles of Conventions or Recommendations should include their number. It would then be easier, when dealing with ILO matters, to identify the instrument referred to. The Chair assured the Member that this would be considered by the Drafting Committee, whereupon the amendment was withdrawn.

294. The Government member of Denmark came back to the amendment proposed by the Government members of Cyprus, Norway and the United Kingdom and himself regarding the Preamble. The sponsors of this amendment strove for transparency. The issue of port state control and flag state control had been discussed at length. The Convention to revise Recommendation No. 28 should be a flag state instrument only. This was the essence of the results of the 1994 Tripartite Meeting. The question was what could be considered an efficient inspection in terms of ILO Convention No. 147. The new Convention should be seen in that framework. He could not see how the principle of port state control could be installed within that system. Authorities responsible for port state control could only inspect the flag state obligations under the new Convention: for instance, whether the three-year inspection interval had been respected.

295. The Workers' members opposed this amendment. They did not wish to see the inspection process subject to the goodwill of non-state entities. It was unacceptable that port state inspection should look at safety issues, but not at social matters on board ship. There was no such thing as a perfect vessel. Crews were regularly underpaid and over-exploited. Therefore the Workers wished to see port state control extended to all aspects of social and living conditions of seafarers. Article 94, paragraph 6, of UNCLOS should be referred to, which said that: "A State which has clear grounds to believe that proper jurisdiction and control with respect to a ship have not been exercised may report the facts to the

flag State. Upon receiving such a report, the flag State shall investigate the matter and, if appropriate, take any action necessary to remedy the situation." This was a very important point. Considering that the Workers had themselves tabled an amendment to Article 1, they proposed to deal with both, the Employer's and their own, since they were mutually exclusive. If one were adopted, the other fell.

296. The Employers' members recalled that in 1994 the proposed texts were discussed as flag state instruments, and delegates had come to this year's Conference again with that understanding. The new Convention should be a flag state instrument in order to make it ratifiable. The text as now adopted by the Committee contained many new responsibilities for governments concerning qualifications, complaints mechanisms, the organization of inspection, etc. All these were obligations for flag States and should not be extended to port state control.

297. The Government member of Canada remarked that under port state control social conditions were already subject to inspection. The new Convention had become a flag state instrument and this was good. The primary responsibility for conditions on board was vested in the flag State, then the shipowners, the classification societies, etc. Only if all else failed, would the responsibility of the port state authorities be involved. Canada therefore supported the Employers' amendment, but not the Workers' position.

298. The Government member of Panama also supported the Employers' amendment. The new Convention would cover fundamental standards concerning relations between the three parties. Any State party to the Convention would have responsibilities vis-à-vis not only shipowners and seafarers but also the international community. Many countries also had to apply regional standards such as the Viña del Mar Memorandum in Latin America, which related to port state control but not to Convention No. 147. This was because Convention No. 147 implied, in his view, the application by port States of Conventions they, rather than the flag State, had ratified. He stated that this raised a problem of state sovereignty. The application of the new Convention on inspection needed to be facilitated now.

299. The Government member of the United States supported the position of Canada and was therefore also in favour of flag state implementation only. The Government member of Cuba took the same position. The Government member of Greece thought that the new Convention recognized national inspection systems. It was meaningless to have the national system of one country applied in another's ports. Therefore he also supported flag state implementation.

300. The Government member of Finland felt that the question was how to organize labour inspection by the flag State.

301. The Government member of the Russian Federation recalled that the same issue had been discussed extensively two years ago and the same delegations were now putting forward the same views as then. He was therefore in favour of flag state implementation because that was agreed upon in 1994. The Government member of the Islamic Republic of Iran supported this view.

302. The Government member of France wished to explore two new arguments which would demonstrate that the amendment in favour of flag state implementation, while attractive, was in many ways superfluous and could create

confusion. If the issue were put to all ILO Members, whether they should enforce their inspection regimes in other States, the answer would clearly be no. If they intended to ratify the new Convention and then set up a system of inspection in accordance with its provisions, they could, if they were to practise port state control, decide to use the competences of such inspectors, since it would be a waste of money to have two separate inspections operating in one port. Therefore, both amendments under consideration were superfluous and the compromise would be to leave the Office text standing. The Government member of Australia agreed.

303. The Government member of the United Kingdom remarked that the amendment in favour of flag state implementation would indeed be superfluous if the whole new Convention were purely a flag state instrument. During the Committee's discussions many delegates tried to turn it into a port state control instrument, and therefore clarification was needed.

304. The Government member of Malta agreed with the United Kingdom position because at both the 1994 Tripartite Meeting and this Conference discussions had largely shown that the port state control concept was not appropriate to the new Convention, as it dealt with flag state inspection regimes. Besides, the IMO was encouraging the development of regional inspection authorities which would cover some aspects of ILO Convention No. 147. Therefore the new instrument should only apply to flag state control. The Government member of Liberia supported this position because it provided greater clarity.

305. The Government member of Australia also thought the wording superfluous in principle and liable to create confusion. In his opinion, if a ship called in another port it was not the flag ship inspection system that was under scrutiny, but the ship itself, and that was always possible. That did not mean that port state control should be written into the new Convention, but the amendment was superfluous.

306. The Government member of Sweden stated that if an appropriate definition of the term "seafarers' working and living conditions" could be agreed upon, then he would favour port state control.

307. The Government member of Belgium declared his country's support for the Workers' amendment since if the amendment in favour of flag state implementation were adopted then ports would have to bear the consequences if ships with unacceptably poor conditions berthed there.

308. The Government member of Japan supported the position of the United Kingdom and Malta, as did the Government members of China and Egypt.

309. The Government members of Algeria, Germany and Malaysia supported the Workers' amendment in favour of port state control.

310. The Government member of Spain remarked that quite a number of flag States did not comply with international standards, so port state control was the only way to deal with the issues. This could, however, mean fewer ratifications, which was not desirable either. Therefore the Office text should stand.

311. The Government member of Denmark felt the issue was adequately covered by Convention No. 147. A port State could always control what it wanted, and there were adequate instruments for that. That was why he had tabled the amendment in favour of flag state implementation only. The Government members of the Republic of Korea, the Netherlands, New Zealand and Ukraine supported this position.

312. The Government members of Portugal and Tunisia supported the Workers' amendment. The latter thought, however, that the Office draft text was perhaps sufficiently clear and it could be left to national administrations to decide.

313. The Chair observed that the majority of Government members appeared to go in the direction of flag state implementation. However, the Committee should take a vote on this issue as it was the most important matter before it.

314. The Government member of France, on a point of order, intervened to explain that in fact there were three proposals before the Committee, and this position appeared to be supported by Spain and Tunisia. The first was to withdraw both amendments and not to take a vote. That would be the best solution. Otherwise, separate votes would have to be taken on each amendment under review. The Workers' members felt they could accept the compromise proposal by France. However, neither amendment was withdrawn.

315. The Government member of Denmark considered that the substantive provisions contained in the new text so far adopted by the Committee omitted any reference to port state control. However, there was a reference to Convention No. 147 in the draft Preamble, and that Convention, in Article 4, did contain a reference to port state control. He recalled that several speakers had mentioned that in any event the powers of a sovereign State to exercise port state control remained intact. This would also have to be the interpretation of the word "only" in the amendment he had presented. There were standards for everything on board ship, for instance for cabins. The new Convention said what should be inspected in terms of other standards. Since Convention No. 147 contained a provision for port state control it made no sense to talk of port state control in the context of the new Convention to revise Recommendation No. 28.

316. The Government member of the Netherlands, supported by the Government member of Denmark, requested a vote on the amendment in favour of flag state implementation only. The results of the vote were as follows. In favour: 21,658; against: 18,564; abstentions: 238; quorum 17,421. The amendment was therefore adopted.

317. The Workers' members, in withdrawing their amendment to Article 1, observed, not without bitterness, that certain governments of long maritime tradition sided with the worst offenders amongst the flags of convenience. Though they were not sensitive to the human and social factors, they were not indifferent to the economic aspects of things. Thus, they were cutting the wings of their inspectorates and favouring unfair competition. Although they did not wish to be prophets of doom, the Workers' members harboured no doubt that the day would come when a ship manned by poorly treated and poorly trained crew would spill a few hundred tons of hydrocarbon on the beaches of some of the countries referred to above. When that day came, we would feel sorry for the birds but not for the governments of the said countries.

318. The Chair now asked for the results of an informal tripartite consultation group which had had the task of looking for a compromise solution to the definition of seafarers' working and living conditions in the different provisions of the draft instruments. The compromise subamendment presented to the Committee was to add a new subparagraph (e) after Article 1, paragraph 7(d) as follows:

“(e) Seafarers' working and living conditions means the conditions such as those relating to the standards of maintenance and cleanliness of shipboard living and working areas, minimum age, articles of agreement, food and catering, crew accommodation, recruitment, manning, qualifications, hours of work, medical examinations, prevention of occupational accidents, medical care, sickness and injury benefits, social welfare and related matters, repatriation, terms and conditions of employment which are subject to national laws and regulations, and freedom of association as defined in Convention No. 87.”

and to delete Paragraph 5(a) of the draft Recommendation.

319. The Workers' members declared that they could agree to the inclusion of the items listed in the definition.

320. The Employers' members had some reservations, for instance on how to inspect repatriation. However, they thought the text was an example list, since it started with the words “such as”. Therefore these matters could be left to national law and practice and they could agree with the compromise subamendment.

321. The Government member of Canada had some regret that what he thought was outdated language, such as “articles of agreement”, was still in the text. “Contract of employment” would have been better. However, he could accept the compromise. The Government member of Denmark also agreed with that view. The Government member of the Netherlands remarked that working and living conditions also meant qualifications, and while these were already covered elsewhere (the revised IMO STCW Convention, which had some 130 signatories), they should be controlled as often as possible and therefore he also agreed with the compromise wording.

322. The Government member of France wished to know what the term “physical structures” meant. The Government member of Canada explained that it concerned the structural integrity of shipboard living conditions. The Employers' members remarked that while they had originally introduced this term into the discussion, labour inspectors could not be expected to control the physical integrity of a vessel. This was not what the Employers wanted, and therefore they proposed a subamendment to delete that term. The Workers accepted this proposal and the compromise wording for a new Article 1, paragraph 7(e), was adopted.

323. The Chair then called for presentation of the two outstanding amendments. The Governments of Chile and Mexico withdrew theirs concerning a new Article 7, as the issue of difference between port State and flag State had been resolved.

324. The Government member of Denmark, speaking also on behalf of the Governments of Cyprus, the Netherlands and Norway, then presented the final

amendment, namely to add, after Article 9, a new Article 10 with the following wording:

“1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.

2. It shall come into force 12 months after the date on which there have been registered ratifications by at least ten Members with a total share in world shipping gross tonnage of 25 per cent.

3. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.”

325. In introducing this amendment, the Government member of Denmark said that its purpose was to subject the new Convention to the same entry-into-force procedure as Convention No. 147, otherwise the Convention would come into force after the second ratification.

326. The Workers' members hoped that the text of the new Convention would not be weakened by most governments not ratifying it. The suggested amendment would make the ratification of quite an ordinary Convention unacceptably difficult. The Workers saw no reason why special conditions for entry into force should be adopted.

327. The Employers' members could not accept the amendment as it meant getting back to port state control issues. Standard ILO texts should apply: entry into force after deposit of two ratification instruments.

328. The Government member of the Netherlands thereupon withdrew his support for the amendment. However, the Government member of Cyprus thought that a provision akin to that contained in Convention No. 147 was necessary. The Government member of Malta supported the view of Cyprus.

329. The Government member of Germany was against the amendment, as were the Government members of Finland and Spain. The Government member of the Russian Federation thought it appropriate to formulate details about entry into force, as the 1994 Tripartite Meeting had recommended that the standard ILO texts be adopted, and the draft before the Committee did not contain any such reference.

330. Thereupon the Government members of Cyprus, Denmark and Norway withdrew their amendment.

331. The Chair announced that the draft resolution to accompany the new instruments would be dealt with later by the Committee. Thereupon he closed the discussion of the texts of the new Convention and Recommendation to revise the Labour Inspection (Seamen) Recommendation, 1926 (No.28).

Consideration and adoption of the report

Consideration of the report

332. The Committee considered its draft report at its seventh sitting.

333. Corrections to specific paragraphs were submitted by various members for incorporation in the report.

334. Regarding Article 1, paragraph 7(e), of the draft Convention, the Drafting Committee noted that the terminology used to define seafarers' working and living conditions was in some respects a little outdated. It decided to retain this language, as it had been clearly understood in the Committee, but thought that future Conference discussions might wish to reconsider this aspect of any other new instruments. It suggested that this should be reflected in the Committee's report.

335. Regarding Article 9, paragraph 2, of the draft Convention, the Drafting Committee considered the possibility of wording which would make it clear that the submission of inspection reports and the provision of copies under this Article should not prejudice any pending prosecution or other legal proceedings. It concluded that the best course would be to leave the central coordinating authority the discretion to exercise restraint as to the release of information or assessments contained in inspection reports for this purpose, though without preventing the communication of the copies of inspection reports referred to in paragraph 1 of this Article. In order to make this clear, the Drafting Committee recommended that the Committee's report should include this statement.

336. Regarding Part III of the draft Recommendation, the Drafting Committee suggested that the Committee's report should include a clear indication that the inspections envisaged by both the Convention and the Recommendation and specific provisions included with regard to such inspections relate both to ships and to other relevant premises.

Adoption of the report

337. At its ninth sitting the Committee unanimously adopted its report subject to a number of changes.

Geneva, 16 October 1996.

(Signed) C. HAMILTON,
Reporter.

A. Proposed Convention concerning the inspection of seafarers' working and living conditions

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office and having met in its Eighty-fourth Session on 8 October 1996, and

Noting the changes in the nature of the shipping industry and, as a consequence thereof, the changes in seafarers' working and living conditions since the Labour Inspection (Seamen) Recommendation, 1926, was adopted, and

Recalling the provisions of the Labour Inspection Convention and Recommendation, 1947, the Labour Inspection (Mining and Transport) Recommendation, 1947, and the Merchant Shipping (Minimum Standards) Convention, 1976, and

Recalling the entry into force of the United Nations Convention on the Law of the Sea, 1982, on 16 November 1994, and

Having decided upon the adoption of certain proposals with regard to the revision of the Labour Inspection (Seamen) Recommendation, 1926, which is the first item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention for flag State implementation only;

adopts, this day of October of the year one thousand nine hundred and ninety-six, the following Convention, which may be cited as the Labour Inspection (Seafarers) Convention, 1996:

PART I. SCOPE AND DEFINITIONS

Article 1

1. Except as otherwise provided in this Article, this Convention applies to every seagoing ship, whether publicly or privately owned, which is registered in the territory of a Member for which the Convention is in force and is engaged in the transport of cargo or passengers for the purpose of trade or is employed for any other commercial purpose. For the purpose of this Convention, a ship that is on the register of two Members is deemed to be registered in the territory of the Member whose flag it flies.

2. National laws or regulations shall determine which ships are to be regarded as seagoing ships for the purpose of this Convention.

3. This Convention applies to seagoing tugs.

4. This Convention does not apply to vessels less than 500 gross tonnage and, when not engaged in navigation, vessels such as oil rigs and drilling platforms. The decision as to which vessels are covered by this paragraph shall be taken by the central coordinating authority in consultation with the most representative organizations of shipowners and seafarers.

5. To the extent the central coordinating authority deems it practicable, after consulting the representative organizations of fishing vessel owners and fishermen, the provisions of this Convention shall apply to commercial maritime fishing vessels.

6. In the event of any doubt as to whether or not any ships are to be regarded as engaged in commercial maritime operations or commercial maritime fishing for the purpose of this Convention, the question shall be determined by the central coordinating authority after consulting the organizations of shipowners, seafarers and fishermen concerned.

7. For the purpose of this Convention:

- (a) the term "central coordinating authority" means ministers, government departments or other public authorities having power to issue and supervise the implementation of regulations, orders or other instructions having the

- force of law in respect of inspection of seafarers' working and living conditions in relation to any ship registered in the territory of the Member;
- (b) the term "inspector" means any civil servant or other public official with responsibility for inspecting any aspect of seafarers' working and living conditions, as well as any other person holding proper credentials performing an inspection for an institution or organization authorized by the central coordinating authority in accordance with Article 2, paragraph 3;
 - (c) the term "legal provisions" includes, in addition to laws and regulations, arbitration awards and collective agreements upon which the force of law is conferred;
 - (d) the term "seafarers" means persons who are employed in any capacity on board a seagoing ship to which the Convention applies. In the event of any doubt as to whether any categories of persons are to be regarded as seafarers for the purpose of this Convention, the question shall be determined by the central coordinating authority after consulting the organizations of shipowners and seafarers concerned;
 - (e) the term "seafarers' working and living conditions" means the conditions such as those relating to the standards of maintenance and cleanliness of shipboard living and working areas, minimum age, articles of agreement, food and catering, crew accommodation, recruitment, manning, qualifications, hours of work, medical examinations, prevention of occupational accidents, medical care, sickness and injury benefits, social welfare and related matters, repatriation, terms and conditions of employment which are subject to national laws and regulations, and freedom of association as defined in the Freedom of Association and Protection of the Right to Organise Convention, 1948, of the ILO.

PART II. ORGANIZATION OF INSPECTION

Article 2

1. Each Member for which the Convention is in force shall maintain a system of inspection of seafarers' working and living conditions.

2. The central coordinating authority shall coordinate inspections wholly or partly concerned with seafarers' working and living conditions and shall establish principles to be observed.

3. The central coordinating authority shall in all cases be responsible for the inspection of seafarers' working and living conditions. It may authorize public institutions or other organizations it recognizes as competent and independent to carry out inspections of seafarers' working and living conditions on its behalf. It shall maintain and make publicly available a list of such institutions or organizations.

Article 3

1. Each Member shall ensure that all ships registered in its territory are inspected at intervals not exceeding three years and, when practicable, annually, to verify that the seafarers' working and living conditions on board conform to national laws and regulations.

2. If a Member receives a complaint or obtains evidence that a ship registered in its territory does not conform to national laws and regulations in respect of seafarers' working and living conditions, the Member shall take measures to inspect the ship as soon as practicable.

3. In cases of substantial changes in construction or accommodation arrangements, the ship shall be inspected within three months of such changes.

Article 4

Each Member shall appoint inspectors qualified for the performance of their duties and shall take the necessary steps to satisfy itself that inspectors are available in sufficient number to meet the requirements of this Convention.

Article 5

1. Inspectors shall have the status and conditions of service to ensure that they are independent of changes of government and of improper external influences.

2. Inspectors provided with proper credentials shall be empowered:

- (a) to board a ship registered in the territory of the Member and to enter premises as necessary for inspection;
- (b) to carry out any examination, test or inquiry which they may consider necessary in order to satisfy themselves that the legal provisions are being strictly observed;
- (c) to require that deficiencies are remedied; and
- (d) where they have grounds to believe that a deficiency constitutes a significant danger to seafarers' health and safety, to prohibit, subject to any right of appeal to a judicial or administrative authority, a ship from leaving port until necessary measures are taken, the ship not being unreasonably detained or delayed.

Article 6

1. When an inspection is conducted or when measures are taken under this Convention, all reasonable efforts shall be made to avoid a ship being unreasonably detained or delayed.

2. If a ship is unreasonably detained or delayed, the shipowner or operator of the ship shall be entitled to compensation for any loss or damage suffered. In any instance of alleged unreasonable detention or delay, the burden of proof shall lie with the shipowner or operator of the ship.

PART III. PENALTIES

Article 7

1. Adequate penalties for violations of the legal provisions enforceable by inspectors and for obstructing inspectors in the performance of their duties shall be provided for by national laws or regulations and shall be effectively enforced.

2. Inspectors shall have the discretion to give warnings and advice instead of instituting or recommending proceedings.

PART IV. REPORTS

Article 8

1. The central coordinating authority shall maintain records of inspections of seafarers' working and living conditions.

2. It shall publish an annual report on inspection activities, including a list of institutions and organizations authorized to carry out inspections on its behalf. This report shall be published within a reasonable time after the end of the year to which it relates and in any case within six months.

Article 9

1. Inspectors shall submit a report of each inspection to the central coordinating authority. One copy of the report in English or in the working language of the ship shall be furnished to the master of the ship and another copy shall be posted on the ship's notice board for the information of the seafarers or sent to their representatives.

2. In case of an inspection pursuant to a major incident, the report shall be submitted as soon as practicable but not later than one month following the conclusion of the inspection.

PART V. FINAL PROVISIONS

Article 10

This Convention supersedes the Labour Inspection (Seamen) Recommendation, 1926.

B. Proposed Recommendation concerning the inspection of seafarers' working and living conditions

The General Conference of the International Labour Organization,
Having been convened at Geneva by the Governing Body of the International Labour Office and having met in its Eighty-fourth Session on 8 October 1996, and

Having decided upon the adoption of certain proposals with regard to the revision of the Labour Inspection (Seamen) Recommendation, 1926, which is the first item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Labour Inspection (Seafarers) Convention, 1996;

adopts, this day of October of the year one thousand nine hundred and ninety-six, the following Recommendation, which may be cited as the Labour Inspection (Seafarers) Recommendation, 1996:

I. COOPERATION AND COORDINATION

1. The central coordinating authority should make appropriate arrangements to promote effective cooperation between public institutions and other organizations concerned with seafarers' working and living conditions.

2. To ensure cooperation between inspectors, shipowners, seafarers and their respective organizations, and in order to maintain or improve seafarers' working and living conditions, the central coordinating authority should consult the representatives of such organizations at regular intervals as to the best means of attaining these ends. The manner of such consultation should be determined by the central coordinating authority after consulting with shipowners' and seafarers' organizations.

II. ORGANIZATION OF INSPECTION

3. The central coordinating authority and any other service or authority wholly or partly concerned with the inspection of seafarers' working and living conditions should have the resources necessary to fulfil their functions.

4. The number of inspectors should be sufficient to secure the efficient discharge of their duties and should be determined with due regard to:

- (a) the importance of the duties which the inspectors have to perform, in particular the number, nature and size of ships liable to inspection and the number and complexity of the legal provisions to be enforced;
- (b) the material means placed at the disposal of the inspectors; and
- (c) the practical conditions under which inspections must be carried out in order to be effective.

5. The system of inspection of seafarers' working and living conditions should permit inspectors:

- (a) to alert the central coordinating authority to any deficiency or abuse not specifically covered by existing legal provisions and submit proposals to it for the improvement of laws and regulations; and
- (b) to board ships and enter relevant premises freely and without previous notice at any hour of the day or night.

6. The central coordinating authority should:

- (a) establish simple procedures to enable it to receive information in confidence concerning possible infringements of legal provisions presented by seafarers directly or through representatives, and enable inspectors to investigate such matters promptly;
- (b) enable masters, crew members or representatives of the seafarers to call for an inspection when they consider it necessary; and

- (c) supply technical information and advice to shipowners and seafarers and organizations concerned as to the most effective means of complying with the legal provisions and improving seafarers' working and living conditions.

III. STATUS, DUTIES AND POWERS OF INSPECTORS

7. (1) Subject to any conditions for recruitment to the public service which may be prescribed by national laws or regulations, inspectors should have qualifications and adequate training to perform their duties and where possible should have a maritime education or experience as a seafarer. They should have adequate knowledge of seafarers' working and living conditions and of the English language.

(2) The means for ascertaining such qualifications should be determined by the central coordinating authority.

8. Measures should be taken to provide inspectors with appropriate further training during their employment.

9. Each Member should take the necessary measures so that duly qualified technical experts and specialists may be called upon, as needed, to assist in the work of inspectors.

10. Inspectors should not be entrusted with duties which might, because of their number or nature, interfere with effective inspection or prejudice in any way their authority or impartiality in their relations with shipowners, seafarers or other interested parties.

11. All inspectors should be provided with conveniently situated premises, equipment and means of transport adequate for the efficient performance of their duties.

12. (1) Inspectors provided with proper credentials should be empowered:

- (a) to question the master, seafarer or any other person, including the shipowner or the shipowner's representative, on any matter concerning the application of the legal provisions in the presence of a witness that the person may have requested;
- (b) to require the production of any books, log books, registers, certificates or other documents or information directly related to matters subject to inspection, in order to check conformity with the legal provisions;
- (c) to enforce the posting of notices required by the legal provisions; and
- (d) to take or remove, for the purposes of analysis, samples of products, cargo, drinking-water, provisions and materials and substances used or handled.

(2) The shipowner or the shipowner's representative, and where appropriate the seafarer, should be notified of any sample being taken or removed in accordance with subparagraph (1)(d) or should be present at the time a sample is taken or removed. The quantity of such a sample should be properly recorded by the inspector.

13. When commencing a ship inspection, inspectors should provide notification of their presence to the master or person in charge and, where appropriate, to the seafarers or their representatives.

14. The central coordinating authority should be notified of any occupational injuries or diseases affecting seafarers in such cases and in such manner as may be prescribed by national laws or regulations.

15. Inspectors should:

- (a) be prohibited from having any direct or indirect interest in any operation which they are called upon to inspect;
- (b) subject to appropriate penalties or disciplinary measures, not reveal, even after leaving service, any commercial secrets or confidential working processes or information of a personal nature which may come to their knowledge in the course of their duties;
- (c) treat as confidential the source of any complaint alleging a danger or deficiency in relation to seafarers' working and living conditions or an infringement of legal provisions and give no intimation to the shipowner, the

-
- shipowner's representative or the operator of the ship that an inspection was made as a consequence of such a complaint; and
- (d) have discretion, following an inspection, to bring immediately to the attention of the shipowner, the operator of the ship or the master deficiencies which may affect the health and safety of those on board ship.

IV. REPORTS

16. The annual report published by the central coordinating authority in accordance with Article 8, paragraph 2, of the Convention should also contain:

- (a) a list of laws and regulations in force relevant to seafarers' working and living conditions and any amendments which have come into operation during the year;
- (b) details of the organization of the system of inspection referred to in Article 2 of the Convention;
- (c) statistics of ships or other premises liable to inspection and of ships and other premises actually inspected;
- (d) statistics of seafarers subject to the laws and regulations referred to in subparagraph (a);
- (e) statistics and information on infringements of legislation, penalties imposed and cases of detention of ships; and
- (f) statistics of occupational injuries and diseases affecting seafarers.

17. The reports referred to in Article 9 of the Convention should be drawn up in such manner and should deal with such subject matter as may be prescribed by the central coordinating authority.

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Provisional Record

Eighty-fourth (Maritime) Session, Geneva, 1996

Fourth item on the agenda:

Partial revision of the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)

Second report of the Committee on Recommendation No. 28 and Convention No. 147

1. The Committee on the revision of the Labour Inspection (Seamen) Recommendation, 1926 (No. 28), and the partial revision of the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147), took up the second matter before it (the partial revision of the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147), at its seventh sitting on 16 October 1996. At that time the Committee was composed of 107 members (61 Government members, 13 Employers' members and 33 Workers' members). To achieve equality of voting strength, each Government member was allotted 429 votes, each Employers' member 2,013 votes and each Workers' member 793 votes.¹

Introduction and general discussion

2. In his opening remarks, the representative of the Secretary-General recalled that the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147), was the most far-reaching and successful of the ILO's maritime Conventions. Twenty years after the adoption of this Convention, the Committee's discussion would consummate the wish of the 62nd Maritime Session of the International Labour Conference for periodic examination, whether the list of Conventions included in the Appendix to Convention No. 147 continued to constitute an acceptable minimum, or whether it should be revised.

3. He noted that the continuing interest of governments, shipowners and seafarers as well as other organizations was reflected in the growing number of ratifications to the Convention. These had grown from 25 in 1993 to 35. At that time, the ratifications covered 52 per cent of the world's fleet. The percentage remained stable in 1996, despite the fact that there was an acceleration of

¹ Subsequently, further changes were made in the composition:

- eighth sitting on 16.10.1996: 106 voting members (61 G, 13 E and 32 W);
- tenth sitting on 17.10.1996: 107 voting members (61 G, 13 E and 33 W).

transfers between registers. Among the latest ratifications were those of Poland, Cyprus, Croatia and India. It was to be hoped that in the years to come new ratifications would be added to the present list.

4. The Committee's task would consist of adopting a new Supplementary Appendix which would extend the definition of acceptable minimum standards concerning substandard vessels. This Supplementary Appendix — like the original Appendix in Convention No. 147 — was of importance also because it contained those instruments on the basis of which a port State could take the necessary measures to rectify those conditions on board which were clearly hazardous to safety and health. Whereas the adoption of a draft Protocol would not necessarily impose additional obligations on port States, it would help define the position regarding the inspection of foreign-registered vessels. In addition to those points which had been discussed at the Tripartite Meeting in 1994, Part III of Report IV highlighted a few others which at that time had been left open and which the Committee might wish to consider at this session of the Conference.

5. The Workers' members considered the partial revision of Convention No. 147 one of the most important tasks of the 84th (Maritime) Session of the Conference. Convention No. 147 was justifiably referred to as one of the most significant and influential maritime standards the ILO had ever adopted. It strengthened substantially the international will to eliminate the operation of substandard ships. The Protocol should ensure that the ILO continued to lead the way in the protection of seafarers.

6. The Committee was called on to address some of the problems that beset the shipping industry, and it would be judged on the extent to which it had achieved that objective. Whereas many argued that the inclusion of too many specific measures might hamper the ratification of the Convention, it was important to adopt an instrument which was relevant to the problems confronting the maritime industry today. The Workers' group would therefore advocate the highest possible standards consistent with the widest possible ratifications.

7. Perhaps the most contentious issue before the Committee was the inclusion of two Conventions that had not yet been ratified or entered into force, namely the Proposed Convention to Revise the Labour Inspection (Seamen) Recommendation, 1926 (No. 28), and the Convention revising the Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958 (No. 109). In the view of the Workers' members, in order to be meaningful, these instruments had to be the subject of port state control. The inclusion of these two Conventions in the Supplementary Appendix should therefore be a high priority. The Committee should, furthermore, address the question of updating the ILO Guidelines on Procedures for Inspection of Labour Conditions on Board Ship in the light of the Protocol. It was important to find the most appropriate way to bring this issue to the attention of the Governing Body of the ILO.

8. The Workers' members pledged to do their utmost to reach a rational and sensible consensus with the other groups. To do otherwise would let down all those to whom this Conference should be dedicated, namely the seafarers.

9. The Employers' members pointed out that, for the maritime industry, it was of particular importance to develop an instrument which could be widely applied, with date and content certain. Like the airline industry, the shipping

industry was seeking universal applicability of standards. The ILO, as well as the IMO, had proved to be an excellent forum for developing internationally applicable standards.

10. To emphasize the importance of Convention No. 147, the Employers' Vice-Chair recalled that in 1976, when serving as an inspector of longshoremen and shipyards, he had worked with the applicable Conventions of the ILO. Later, in 1988, he had been invited by President Reagan to witness the signing of instruments of application of two ILO Conventions, one of which had been Convention No. 147. These Conventions had been the first to be signed by the United States in 35 years. He noted that Convention No. 147 had become a bill of rights of seafarers.

11. The Government member of Canada, speaking on behalf of the Government group, refuted a statement made in the previous debate on Recommendation No. 28, that governments were more sensitive to profit than to human concerns. The publication by some governments of details about substandard ships resulted in careful inspection of the ships in question. However, he observed a certain change of position by some parties since 1994, when flexibility in the instrument to be implemented through both port and flag state control had been widely advocated. The instrument to be developed should be ratifiable without weakening Convention No. 147. He shared the aspiration of the other groups to ensure the attainment of the highest possible standards.

12. The Government member of France also attached great importance to Convention No. 147. In his view, all administrations should be committed to minimum standards and should apply common rules. Convention No. 147 required flag States which had ratified it to apply specific minimum standards on their ships. By revising the Convention, member States aspired to improve social standards on their vessels, thereby implementing the basic principles of the Organization enshrined in its Constitution. Care had to be taken to ensure that the instrument to be developed remained ratifiable. Therefore, it was necessary to retain Article 3 which allowed member States flexibility in identifying Conventions they were ready to accept. If this Article were to be deleted, the Committee would run the risk of producing an "all or nothing" situation which would defeat the purpose of the Convention. Turning to the ILO Guidelines concerning Convention No. 147, the speaker proposed their revision in the light of IMO Recommendations and ensuring further development of the monitoring function of port States described in Article 4 of Convention No. 147.

13. The Government member of the Republic of Korea stressed the need for maintaining the flexibility which had been incorporated in the draft Protocol. Whereas Convention No. 147 had received the ratification of over 30 countries, this was still very few compared to the number of ILO member States. A number of obstacles prevented the Republic of Korea from ratifying the Convention, in particular those areas of the text which might be applied not only to seafarers but to workers in general. One of the most important factors in encouraging governments to ratify the Convention would be to reduce the number of Conventions in the Supplementary Appendix or to make their acceptance optional. He pointed out that governments had instituted labour inspection at sea and that any reference to port state control was unnecessary. The inclusion of Conventions

in the Supplementary Appendix concerning labour standards in general was not appropriate because it would make ratification more difficult.

14. The Government member of the United States said that the Employers' members had eloquently referred to the spirit in which the United States had ratified Convention No. 147 in June 1988. The United States recognized the importance of the Convention and sought to implement its provisions. Its coastguard carried out thorough inspections on board ships. In her view the purpose of the current discussion was to bring meaningful improvement to the living and working conditions of seafarers throughout the world.

15. The Government member of India recalled that his country was the most recent to have ratified Convention No. 147. He reiterated India's commitment to the instrument, which enshrined all principles which should guide the inspections of ships. He was keen to ensure that the Convention gained the widest possible acceptance and warned that in order to achieve that flexibility was needed. There was no point in drawing up what some might consider a perfect instrument if member States were unable to ratify it. He concurred with the views of previous speakers that the proposed Protocol was indeed a flag state instrument.

16. The Government member of the Russian Federation recalled that he had been involved in the elaboration of Convention No. 147 and had participated in the 41st Session of the International Labour Conference in 1958 which had adopted Convention No. 109. He pointed out that that Convention had not received the same level of support as Convention No. 147. He shared the view of those who maintained that the inclusion of too many Conventions would be counterproductive. The approach to developing this new instrument should remain the same as 20 years ago when Convention No. 147 was adopted. The carefully prepared draft following the Tripartite Meeting in 1994 represented an excellent basis for the work that had to be carried out.

17. The Government member of Japan pointed out that Japan had ratified Convention No. 147 as well as the STCW and MARPOL Conventions of the IMO. Based upon this experience he wished to stress that a standard for port state control must have wide international acceptance. Labour inspection was primarily a flag state concern and the role of the port State was to support it, and there was a danger that port state control would be used as a measure of economic competition. Should the ILO ignore these three points Convention No. 147 might lose its status as the common property of maritime nations.

Consideration of the proposed text contained in Report IV

Proposed Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)

Preamble

18. The Workers' members expressed appreciation of the tripartite spirit and dynamism of the Chair. They were equally pleased about the commitment of all groups to eliminate substandard ships and to improve the well-being of seafarers. They promised that the Workers' group would continue to be practical, flexible and committed to ILO standards. As proof of such flexibility, they withdrew the

amendment proposed by the Workers' members to add in the second line of paragraph (a)(i) after the word "safety" the words "and health".

19. The deputy representative of the Secretary-General pointed out a few typographical errors in the Preamble of the Office text. The text in question was in fact a direct citation from Convention No. 147 where the word "health" did not appear.

20. The Workers' members submitted an amendment to add prior to the seven last lines of the Preamble and after the words "on 16 November 1994, and" the words:

"Recalling also the adoption of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended in 1995 (STCW) by the Conference of the Parties to the Convention on Training and Certification of Seafarers on 7 July 1995, coming into force on 1 February 1997, and".

They considered it appropriate to include in the Preamble of the Protocol a reference to the STCW Convention because it had implications for standards concerning certification and watchkeeping. It was also relevant in the context of the group's amendments concerning the Certification of Able Seamen Convention, 1946 (No. 74), and the Convention to revise the Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958 (No. 109).

21. The Employers' members sought clarification from the Office whether the STCW Convention had a link with the substance of the Protocol presently under consideration. The deputy representative of the Secretary-General replied that a reference to the STCW Convention might be useful in view of the fact that the purpose of the Preamble was to explain the contents of the operative part of the instrument and a reference to the above-cited Conventions could mean that mention of STCW would facilitate understanding of that context. The Workers' members observed that, had the STCW Convention existed in 1976 when Convention No. 147 had been adopted, a reference to it would have been included in the Convention, since it was relevant also to the Officers' Competency Certificates Convention, 1936 (No. 53), which was already included in the Appendix of Convention No. 147.

22. The Government members of Greece and the Netherlands expressed support for the adoption of the proposed amendment.

23. The Government member of France proposed a subamendment to the amendment under consideration clarifying that it was the amendments of the STCW Convention which would come into force on 1 February 1997 and not the Convention itself. The Government member of Cyprus concurred with the proposal, but observed that STCW would not come fully into force until much later.

24. The Committee adopted the amendment but without any reference to coming into force.

25. The Workers' members submitted an additional amendment to the Preamble of the Protocol, according to which they wished to add, prior to the seven last lines and after the words "16 November 1994, and", the following words: "Recalling further the International Convention for the Prevention of Pollution from Ships, 1973, as modified by Protocol of 1978 (MARPOL 73/78)

relating thereto, and". This was a key IMO Convention referred to in the Paris and Tokyo Memorandums on port state control and would serve as a useful reference point for flag States.

26. The Employers' members supported the amendment on the condition that it had a clear link with the Protocol and that it would not prejudice the discussion on the Conventions to be included in the Supplementary Appendix.

27. The deputy representative of the Secretary-General explained that whereas the STCW Convention had clear links with two ILO instruments to be discussed in the Committee, the MARPOL Convention had none. He also observed that the draft instrument before the Committee contained no reference to port state action except in the Preamble.

28. The Employers' members proposed that the decision concerning the inclusion of the proposed amendment be left to the Drafting Committee.

29. The Government members of Sweden, Canada, the Netherlands, the Russian Federation and the United Kingdom opposed the amendment on the grounds that the MARPOL Convention bore no connection with Convention No. 147 and that any reference to it would hamper the ratification of the Protocol under consideration.

30. The Government members of Denmark and France supported the amendment.

31. The Employers' members pointed out that their support was conditional on a link between the MARPOL Convention and the Protocol under consideration. The deputy representative of the Secretary-General suggested that it might be more appropriate to take a decision on whether to discuss the draft Supplementary Appendix or the body of the Protocol first in the Committee rather than to leave it in the hands of the Drafting Committee.

32. The Government member of Cyprus reminded the Committee that all Conventions referred to the Preamble related to questions of safety. The MARPOL Convention, however, related to the question of marine pollution. He therefore opposed the adoption of the amendment. The Government member of Tunisia endorsed the comments made by the previous speaker, but made it clear that the reference to the UNCLOS (1982) was indeed pertinent.

33. The Chair proposed to defer a decision on this amendment until a decision had been taken on the Conventions to be included in the Supplementary Appendix.

Proposed new Article 1

34. In another amendment the Workers' members proposed to add after the Preamble a new Article 1 to read as follows:

"Article 1

Each Member which ratifies this Protocol shall apply the provisions of the Convention and the Protocol without any discrimination on the basis of race, colour, sex, religion, political opinion, national extraction, residence or social origin, or on any other basis as may be determined by the Member."

They recalled that at the Tripartite Meeting in 1994 the Workers proposed to insert in the draft Supplementary Appendix the Discrimination (Employment and

Occupation) Convention, 1958 (No. 111). After a lengthy discussion in which most member States reaffirmed the importance they attached to giving equal opportunities and fair treatment to seafarers and after receiving advice from the Office, it was decided that for legal and practical reasons, as well as matters of principle that would not be appropriate. Conventions relating to basic human rights subjects would be better dealt with in a separate provision to be added to the provisions contained in the body of Convention No. 147. At that time, the Workers' members had considered proposing a resolution requesting the Maritime Conference to consider including in the Protocol a provision in line with Article 1 of Convention No. 111. The Workers' members had decided not to formulate such a resolution on the understanding that the report of the Committee would fully reflect the discussion on this question. They were pleased to see that this was indeed the case.

35. Prior to giving the floor to the Employers' members, the Chair wished to receive clarification on the term "discrimination on the basis of social origin". The deputy representative of the Secretary-General replied that the phrase was taken from Article 1, paragraph 1, of Convention No. 111. Without referring to specific countries, it included certain discriminatory practices, in certain regions, where people of particular social groups suffered discrimination linked to their minority status.

36. The Employers' members opposed the amendment not because they disapproved the content but because they did not think that it belonged in this instrument. They also pointed out that the text of the proposed amendment did not match the wording of Article 1, paragraph 1, of Convention No. 111. Terms such as "residence" and "any other basis as may be determined by the Member" did not, they said, appear in Convention No. 111. At this point they registered also their opposition to another amendment which proposed that Convention No. 111 be listed in the Supplementary Appendix.

37. The Government member of Sweden supported the amendment except as to the inclusion of "residence", pointing to paragraph 25 of Report IV which recalled that at the Tripartite Meeting in 1994 it was proposed to include in the Protocol a provision to the effect that the provisions of the Conventions and the Protocol should be applied without any discrimination on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, or on any other basis as may be determined by the Member.

38. The Government member of Denmark could not support the amendment and expressed concern about the inclusion of the criteria concerning "residence". It was customary for countries to differentiate between residents and non-residents for purposes of social security. The member referred to Article 17 of the Social Security (Seafarers) Convention (Revised), 1987 (No. 165), which specified that:

"(a) seafarers shall be subject to the legislation of one Member only;

(b) in principle this legislation shall be:

- the legislation of the Member whose flag the ship is flying, or
- the legislation of the Member in whose territory the seafarer is resident".

However, Denmark was ready to support the amendment submitted by the Workers' group which proposed the inclusion of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) in the Supplementary Appendix.

39. The Government member of Croatia believed that the proposed text did not fit into the draft Protocol. She was ready to accommodate the inclusion of Convention No. 111 in the Supplementary Appendix but not in the Protocol itself.

40. The Government member of France pointed out that Article 2(c) of Convention No. 147 included reference to the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and he believed principles contained in other basic Conventions were included. He therefore proposed that the amendment, subamended in a way as to include the exact text of Article 1 of Convention No. 111, be warmly accepted.

41. Whereas he subscribed to the entire content of the proposed amendment regardless of whether it was a direct quote from Convention No. 111 or not, the Government member of India failed to see the connection between this amendment and the question of sub-standard vessels. He proposed that the text should not be included in the form and place it had been proposed.

42. The Government member of Germany supported the statements of the Government members of France and Denmark in terms of the intention of the amendment, but held the view that the inclusion of the proposed text could lead to juridical problems as regards "national extraction" and "residence".

43. The Government member of the United States fully subscribed to the fundamental principle contained in the amendment and proposed that a proper wording should be found which could be included in the Preamble.

44. While sharing the position of the Workers' members, the Government member of Greece wished to obtain legal advice concerning the implications of the acceptance of the amendment for the application of the Articles in the draft Protocol. Furthermore, he wondered whether the inclusion of the proposed amendment would not give the impression to the international community that a non-ratifying Member was excused from implementing the provisions of the proposed amendment.

45. The Workers' members indicated their surprise that the proposal was causing such concern. On the inclusion of the word "residence" they explained that this was an attempt to recognize the concerns expressed in the report of the Committee of Experts on the Application of Conventions and Recommendations regarding discrimination against seafarers based on residence or domicile notably in respect of social security. Furthermore, they informed the Committee that seafarers are also being denied freedom of association on the basis of their residence, a fact highlighted in the Committee on Freedom of Association ruling in respect of Case No. 1410. Although this is an important issue for the Worker members they were prepared to compromise and revert to the exact wording of Article 1, paragraph 1, of Convention No. 111. They also agreed to the proposal to incorporate such wording in the Preamble.

46. The deputy representative of the Secretary General said that in the 1994 Tripartite Meeting the Office had pointed out the difficulties in placing

Convention No. 111 in the Supplementary Appendix due to the fact that Article 2(a) of Convention No. 147 included a reference to *substantial equivalence*. He observed that Convention No. 111 was one of the six basic human rights instruments of the ILO and also one of the most widely ratified Conventions, so that it was already binding on the majority of member States and they thus already had an obligation to apply it on board ships registered in their territory.

47. The Chair noted that the Committee was unanimous as to the principle of prohibiting discrimination, but wondered whether a working party should not be set up to come up with an acceptable proposal concerning the amendment under discussion. However, the Workers' members agreed to the suggestion to move the exact wording taken from Convention No. 111 into the Preamble, and with the support for this proposal by the Government members of the United Kingdom, France and Croatia, the Committee adopted the amendment as subamended. The Preamble of the draft Protocol would therefore include the text "recalling the Discrimination (Employment and Occupation) Convention, 1958" and would recite Article 1, paragraph 1, in its entirety.

Article 1

48. Both the Employers' and Workers' members proposed amendments to delete in Article 1 after the word "include" the words "one or more of". Wishing to listen to the views of the Government members, the Workers' members withdrew their amendment. The Employers' members defended their amendment on the grounds that while a selective approach concerning the Conventions listed in the Supplementary Appendix would facilitate the ratification of the Protocol by Members it would put a heavy burden on shipowners. In their opinion, it was important to determine the minimum obligations of member States and not leave it to them to decide what they considered a minimum obligation. A "pick and choose" flexible approach would be acceptable to flag state control but not port state control, because of the uncertainty it would create.

49. The Government member of Canada expressed surprise at the change of attitude since the Tripartite Meeting in 1994, at which there had been a clear consensus in favour of flexibility. In view of the fact that Canada wished to ratify this instrument and wanted many other States to do so, it could not support the new concept.

50. The Government member of India noted that there were six Conventions listed in the Supplementary Appendix, which left member States with a certain choice. He proposed that consideration of the amendment before the Committee be deferred until the list of the Conventions to be included in the Supplementary Appendix was finalized. Prior to this decision, he was unable to express a view.

51. The Government member of France was surprised that the Employers' members moved an amendment which, if adopted, would prevent France from ratifying the Protocol. He believed that, if this text were adopted, governments could only choose between all or nothing, as ratification of the Protocol would imply acceptance of all Conventions included in the Supplementary Appendix. He referred to an amendment submitted by the Governments of Denmark, Greece and the United Kingdom concerning a new Article 6 which proposed that:

"The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and declarations accompanying them, communicated to him by the Members of the Organization."

According to him, the information of all ILO member States concerning the ratification of the Protocol would provide member States with the necessary guarantees. Furthermore, he urged the Committee to remain faithful to the Constitution of the ILO, which intended to ensure that nations would not be hindered in their desire to improve the conditions of labour in their own countries.

52. The Government member of the United States pointed out that the right of member States to choose the Conventions which they wished to ratify or accept was also a fundamental right. Nevertheless she understood the desire of the Employers to achieve a higher level of standardization. Efforts should be made to reach greater consistency among member States through mutual consultation and cooperation, but not at the expense of restricting the freedom of a State to choose which obligations to accept.

53. The Government member of the Russian Federation concurred with the statement of the Government member of Canada. He proposed that the Office text be retained as it stood.

54. Trying to find a compromise solution, the Government member of Denmark proposed to distinguish between "soft" and "hard" Conventions in the Supplementary Appendix. If port state functions were limited to transmitting a complaint to the flag State, many Conventions could remain in the Supplementary Appendix. However, if the question of safety was involved, the power to detain the ship could be useful.

55. The Government members of Cuba and Panama wished to retain the Office text because the proposed modification could prevent member States from ratifying the Protocol.

56. The Government member of Germany believed that the Committee had to choose between the lesser of two evils and to provide for flexibility in full knowledge of the problems such flexibility would pose in terms of port state control. He endorsed the proposal made by the Government member of India, namely to return to Article 1 after having decided on the list of the Conventions to be included in the Supplementary Appendix.

57. The Government members of Japan and the Republic of Korea were in favour of flexibility. But, whereas the first supported the Danish proposal, the second endorsed the suggestion of the Government member of India.

58. The Workers' members were not in favour of dealing with the Supplementary Appendix prior to determining the final wording of the operative Articles of the Protocol.

59. Asked by the Chair whether they were ready to withdraw their amendment, the Employers' members said that reference to the term "substantial equivalence" had been included in the Preamble to the Protocol in order to make it clear that minor differences should not become an obstacle to ratification of Convention No. 147 and the new instruments. Since 35 countries had already

ratified Convention No. 147, the Appendix of which listed 11 Conventions, they did not understand why a Protocol could only be successful if it was more flexible. They requested the Government members to come forward with their views.

60. The Government member of France considered both proposed solutions to the problem unacceptable. The idea of postponing the discussion should not be considered because that would place the Committee in an impossible situation. He proposed that a decision be taken immediately. The second proposal to differentiate between "soft" and "hard" Conventions was also unacceptable because it was alien to Convention No. 147 and left the question open as to who would decide what constituted a hard or a soft Convention.

61. The Government member of Denmark pointed out that of the Conventions listed in the draft Supplementary Appendix, only the Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133) could be considered a "hard" one. All the others were "soft" Conventions.

62. The Employers' members emphasized again that the difficulty of the shipowners stemmed from the fact that they might have to comply with the requirements of all Conventions to which ratifying port States subscribed. The Government member of the United States assured the Employers' members that any decisions taken in relation to the Convention would take into account the concerns of the shipowners.

63. The Committee rejected the amendment.

Article 2

64. No amendments to Article 2 were submitted.

Article 3

65. Both the Employers' and the Workers' members submitted an amendment to delete Article 3. The Workers' members withdrew their amendment and asked to hear the views of the Government members.

66. The Employers' members explained that the purpose of the deletion of Article 3 was to maintain the balance between the flexibility required to enable governments to ratify the Protocol and to keep those basic standards that could be applied by all. When the content of the Supplementary Appendix was decided, they would wish to come back to this point.

67. The Government member of Spain insisted on retaining the flexibility of the Supplementary Appendix.

68. Replying to the question of the Employers' members whether they could return to the question at a later point if they agreed to withdraw their amendment, the deputy representative of the Secretary-General said that it was for the Committee to decide whether an already-discussed Article could be revisited or not. Furthermore, he pointed out that in view of the Committee's decision to retain Article 1, Article 3 logically ought not to be deleted.

69. Upon the suggestion by the Chair to take up the proposal concerning the previous suggestion put forward by the Government member of Denmark, and supported by the Government members of India and the Republic of Korea, the

Workers' members asked the Government member of Denmark to clarify what he meant by "soft" and "hard" Conventions.

70. The Government member of Denmark explained that in case a complaint was related to a "soft" Convention, the port State would merely inform the flag State. This was the case, for example, in matters related to repatriation. However, when the question of safety was involved, the port State would take action.

71. The Workers' members questioned whether the issue of repatriation could be considered as "soft". The welfare of a seafarer awaiting repatriation was not a minor matter. He recalled that the Repatriation of Seafarers Convention (Revised), 1987 (No. 166), placed the onus on both the labour supply and flag state administrations if a shipowner was unable to repatriate a seafarer and that the port State had an obligation to facilitate such repatriation.

72. The Committee rejected the Employers' amendment.

73. The Governments of Belgium, Finland, France, Germany, Ireland, Italy, Luxembourg, Portugal and Spain submitted an amendment to add, after paragraph 2 of Article 3, a new paragraph 3 to read as follows:

"[Unless stated otherwise in the related declaration,] acceptance of a Convention listed that is not yet in force shall take effect only when that Convention comes into force."

74. Introducing the amendment, the Government member of France said that its purpose was to enable the governments to implement the provisions of Conventions which had not yet come into force. Although different advice had already been sought on the matter, he requested the Legal Adviser of the Conference to consider whether the amendment was consistent with the Constitution of the ILO or not.

75. Responding to this request, the Legal Adviser pointed out that the term "substantial equivalence" enabled governments to implement provisions of Conventions not yet in force. The amendment was not contradictory to the Constitution of the ILO.

76. The Government member of France further explained that the text in square brackets gave the option to governments to implement a Convention not yet in force, whereas the removal of the text in square brackets would mean that a Convention would have to come into force before it would take effect. Governments were nevertheless free to take into account the provisions of the Convention if they chose to do so.

77. Whereas the Workers' members were ready to support the amendment, the Employers' members emphasized the need to maintain credibility and said that notes referring to entry into force of Conventions might be more appropriately included in the Supplementary Appendix.

78. The Legal Adviser was of the opinion that, from the point of view of drafting, it would be preferable to include reference to entry into force within the body of the Protocol, rather than in the Supplementary Appendix. Governments would have the freedom to decide how far they would be ready to accept Conventions which were not yet in force.

79. The Employers' members rejected the amendment on the grounds that a flag State might not apply the provisions of a Convention to ships sailing under its own flag if those provisions had not come into force, yet it might seek to apply them to ships coming into port.

80. The Government member of the Russian Federation questioned the explanations of the Legal Adviser in view of the fact that Article 2(f) of Convention No. 147 referred only "applicable international labour Conventions in force which it has ratified". If a Convention had not come into force, it was not covered by Article 2(f). He recalled that the matter had been extensively discussed in 1976 when Convention No. 147 had been adopted.

81. The Government member of Japan declared that he could not support the inclusion in the list of a Convention which had not come into force regardless of whether the inclusion was constitutional or not.

82. The Legal Adviser pointed out that the States could undertake to apply the provisions of Conventions even when they had not entered into force.

83. Both the Employers' and Workers' members stated their readiness to accept the proposed amendment if the text in square brackets was removed. The Government member of the Netherlands concurred with this proposal.

84. While expressing support for the proposal of the Employers' and Workers' members, the Government member of Liberia considered that a member State was at liberty to implement the provisions of Conventions which had not entered into force, but only to ships flying its flag.

85. The Government members of Croatia, Cyprus and Spain indicated readiness to accept the amendment without the text in square brackets. The Government member of Croatia, however, pointed out that without the inclusion in the Supplementary Appendix of the two unratified Conventions in question, the amendment would have no relevance. She therefore proposed to postpone taking a decision on this matter until the list of the Conventions to be included in the Supplementary Appendix was finalized.

86. Noting that no support had been voiced for the suggestion to postpone discussion of the amendment, and that both the Employers' and Workers' members, together with a number of Government members, indicated readiness to adopt the amendment with the deletion of the text in square brackets, the Committee decided that the amendment was adopted as subamended to read as follows:

"3. Acceptance of a Convention listed that is not yet in force shall take effect only when that Convention comes into force."

New Article 3, paragraph 3, and Article 4

87. The Government member of Croatia, supported by the Government member of Canada, presented an amendment to add after paragraph 2 a new paragraph 3 as follows: "For the purpose of paragraphs 1 and 2 of this Article, the competent authority shall consult the most representative organizations of shipowners and seafarers concerning the acceptance of Conventions listed in the

Supplementary Appendix." She pointed out that this proposal was connected with her amendment to delete Article 4. She acknowledged that Article 4 corresponded to paragraph 11 of the Conclusions of the 1994 Tripartite Meeting, but it was not clear and in practice could create misunderstandings. The tripartite structure of the ILO, the ILO Constitution and many other ILO instruments called for obligatory tripartite consultations. These should take precedence over ratification of the Protocol and the list of Conventions it intended to extend. The right place for such a provision was Article 3. This, she said, was confirmed by views expressed by the Employers' and Workers' members in the previous sitting, and was in line with an amendment by the Workers' members to Article 4.

88. The Chair suggested that a number of amendments dealing with this issue be discussed together. This concerned, besides the two amendments put forward by Croatia and seconded by Canada; an amendment by the Government members of Greece and Denmark concerning Article 4; an amendment by the Government member of Lebanon sponsored by the Government member of India concerning the same article, an amendment by the Employers to delete Article 4, and a Workers' members' amendment.

89. The Employers' members recalled that they had suggested a compulsory list approach in the Supplementary Appendix. The draft Article 4 did not make sense. The amendments presented by the Government member of Croatia reflected their concerns and they wished to withdraw their own amendment.

90. The Government member of Greece indicated that his amendment expressed the same concerns as those of the Government member of Croatia. However, out of respect for the social partners he wished to have the substance of the amendment on consultations highlighted in a separate Article and not added to Article 3 as a new paragraph. In essence, it would be for the shipowners and seafarers to decide.

91. The Workers' members emphasized that their amendment affected all others relating to the draft Article 4. However, they wished to see the words "in accordance with national law and practice" eliminated. They could agree with the amendment proposed by the Government members of Greece and Denmark, if the words "in accordance with national practice" were deleted from it.

92. The Employers' members thought there were three key elements to be considered: (i) the requirement for member States to consult shipowners' and seafarers' organizations; (ii) that such consultations should take place prior to any discussion on ratification; and (iii) such consultations should take place in accordance with national law and practice. There should be nothing in the new Protocol to force Members to change national legislation or practice. Therefore, they supported the Government member of Lebanon's amendment, but if these three elements were retained it would not matter which amendment were adopted.

93. The Workers' members emphasized that if they insisted on not including the term "in accordance with national law and practice" it was precisely because in many countries systematic national law and practice as to consultations did not exist. Many ILO member States did not have the necessary tripartite institutions, and for such countries it was not in the interest of shipowners or seafarers to follow national practice. The Workers' were not trying to promote some new

form of internationalism but rather the fundamental tripartite principles of the ILO.

94. The Government member of Lebanon, referring to her amendment to Article 4, namely to add, in the third line, after the word "national" the words "law and", insisted that any consultations with shipowners and seafarers should take place within a given legal format, otherwise, in the absence of special guidelines, there would be no rules to prevail. She also wished to have the Office's view on whether such consultations, which were referred to in other ILO instruments, regarded only the process of ratification, or whether they also should take place afterwards, when implementing a ratified Convention.

95. The deputy representative of the Secretary-General referred first of all to page 13 of Report IV, in which the Office had suggested wording for a possible new paragraph 3 in Article 3 to replace Article 4. He said that this wording did not differ greatly from the amendments now under consideration. The new wording suggested would have dealt with the problem of timing by calling for consultations prior to ratification of the Protocol and prior to further Conventions being accepted. However, in any event, the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), dealt with tripartite consultations on international labour standards in general. It was one of the ten ILO priority instruments identified by the Governing Body and was widely ratified. It included provisions for tripartite consultations at the national level both as to the acceptance of obligations under ILO Conventions and on questions of application of them. It covered maritime Conventions, although no specific mention was made of the maritime sector. The actual form of such consultations was left to national law and practice.

96. The Workers' members made it clear that their position was open. They wished to hear the Governments' views.

97. The Employers' members proposed a subamendment to the amendment by the Government of Croatia concerning Article 3, to insert the word "possible" before the word "acceptance" in line 3. This, they thought, would help governments to accept it.

98. The Government member of Croatia could accept the Employers' subamendment. She noted, however, that most Members seemed in favour of adopting a separate Article rather than adding a paragraph to Article 3. She pointed out that in her proposed text there was no reference to national practice.

99. The Government member of Ukraine said that in his country there was a practice of consultations when Conventions were adopted. Therefore, the amendments proposed by the Government members of Lebanon and Croatia were useful, and he supported them. A reference to national law and practice should be contained in the new text.

100. The Government member of Greece said he could go along with the amendment by the Government member of Croatia to Article 3 as reformulated by her and with the subamendment of the Employers. He therefore wished to withdraw his amendment concerning Article 4, to which the Government member of Denmark agreed.

101. The Government member of India supported the reworded and subamended amendment. He felt that the principle of consultation itself was not negotiable, and therefore he was convinced by the Workers' members' arguments. However, national law and practice should define the form of consultation.

102. The Workers' members had some difficulties with the different subamendments and asked for clarification. The Chair then explained that the proposal was for a new Article 4, with the text proposed by Croatia to amend Article 3, and inserting the word "possible" before the word "acceptance" in line 3. The Workers' members said they could accept this new text, except for the word "most" in line 2.

103. The Government member of the Republic of Korea supported the amendment by the Government member of Lebanon. In his country, tripartite consultations took place before implementation of a Convention. However, the ratification of international treaties was the sole right of a sovereign Member, and thus not subject to tripartite consultations. Deleting the phrase "national law and practice" would create problems of ratification, as his country would have to change its legislation.

104. The Government member of Croatia agreed to have the word "most" taken out in line 2. The Employers' members also agreed to that. The Government member of Denmark accepted the proposed new text. Thereupon, the Chair declared the new Article 4 adopted as amended and subamended.

105. The Government member of Croatia now withdrew her amendment, to delete Article 4. The Government members of Greece and Denmark likewise withdrew their amendment to Article 4. The Workers' members also withdrew their amendment concerning that Article.

106. The Government member of Lebanon remarked that her proposal to include the words "national law and practice" had not been retained, and therefore she had to maintain her reservations. She withdrew her amendment.

Article 5

107. The Government member of Congo presented an amendment for a new Article 5, which was not seconded and therefore not accepted.

108. The Employers' members referred to an amendment to delete Article 5 of the Office text. This proposal presupposed that the Repatriation of Seafarers Convention, 1987 (No. 166), would stay in the Supplementary Appendix. Therefore, the matter should be held in abeyance until the discussions on that part of the new Protocol.

Proposed new Article 6

109. The Governments of Denmark, Greece and the United Kingdom presented an amendment proposing a new final Article provision regarding notification of ratifications and declarations to member States. The Employers' members had an amendment regarding, in part, conditions for the Protocol to come into force. The deputy representative of the Secretary-General observed that certain standard final Articles of ILO Conventions were invariable. The

Committee should not discuss those final Articles, but the Conference Drafting Committee would take care of them. However, paragraphs 2 and 3 of the Employers' amendment could well be discussed, as they related to conditions for entry into force and could be changed.

110. The Employers' members' amendment read, in part:

"2. [This Protocol] shall come into force 12 months after the date on which there have been registered ratifications of at least ten Members with a total share in world shipping gross tonnage of 25 per cent.

3. Thereafter, this Protocol shall come into force for any Member 12 months after the date on which its ratification has been registered."

Shipowners were particularly concerned that information about ratifications should be speedily disseminated to them. If one State ratified and notified the ILO, when would the other governments then obtain this information for distribution to their shipowners?

111. The Workers shared the Employers' concerns about notification of ratifications, but if this matter could not be discussed, there was no need to continue.

112. The deputy representative of the Secretary-General observed that the Employers' members had introduced a new element which could be discussed in the Committee. In any event, the ILO always informed all Members of new ratifications and declarations. All ratifications were further notified to the Secretary-General of the United Nations, and they were published in the ILO *Official Bulletin* which all Members received.

113. The Employers' members now considered their amendment to be a subamendment to that of the Government members of Denmark, Greece and United Kingdom just referred to. They wished to introduce a paragraph along the following lines: after the word "notify" in the first line, to add the word "promptly", and at the end to insert the words "in order that Members may inform the representative organizations of seafarers and shipowners as soon as is practicable."

114. The deputy representative of the Secretary-General remarked that, although this was a matter for the Legal Adviser to take up, it might be preferable if standard ILO language in the final Article concerning notification were not altered. It might be preferable, should such be the Committee's wish, to put wording in the terms now proposed into a possible new Article within the body of the Protocol.

115. The Workers' members suggested that this should be left to the Committee's Drafting Committee to resolve.

116. The Employers' members observed that the instrument under discussion would be adopted as a Protocol. In that, it was different from other ILO instruments. Therefore, the Employers' members felt that it required a specific, identifiable approach. However, they agreed to send the matter to the Drafting Committee.

117. The Government member of the United Kingdom invited the Members to look at the thrust of the proposal. Rather than oblige governments to inform seafarers and shipowners, maritime administrations should have to have all the necessary information available upon request. An active obligation would be a great burden on governments. Rather, the parties concerned should be able to get it at short notice from the governments. This would be similar to a solution found for a similar problem in the new Convention on inspection of seafarers' living and working conditions.

118. The Employers' members agreed as this solution guaranteed that the necessary information would be immediately available. The Workers' members likewise accepted the United Kingdom Member's proposal.

119. The Government member of Spain, however, thought that shipowners should be promptly and duly informed of ratification of relevant Conventions.

120. The Government member of India thought that if the ILO ensured the distribution of the relevant information to governments, and governments held it available for shipowners and seafarers, there was no need to discuss the amendment further.

121. The Employers emphasized that they needed something in writing. National practice might mean that the documents were just filed away. Shipowners needed to have ready and reliable access to the required information.

122. The Government members of Belgium, France and Greece supported the subamendment by the Government member of the United Kingdom.

123. The Chair then closed the discussion on this matter by declaring that the original amendment submitted by the Governments of Denmark, Greece and the United Kingdom was not accepted as such, but would be asked to prepare a new provision in a suitable form to similar effect to the Drafting Committee.

124. The Employers then came back to their amendment for a new Article 6. If paragraph 1 was not acceptable, they nevertheless wished to discuss paragraphs 2 and 3. These were procedurally substantive provisions. The coming into force was one of the more important aspects of an international instrument. The standard Office text required two Members' ratifications, but an instrument as important as the Protocol called for a different approach. They had cast around for appropriate language and had decided to use that already contained in Convention No. 147.

125. The Workers' members declared paragraph 2 quite unacceptable. If the Committee was to adopt any other position they could be accused of killing the Protocol. They thought it curious that ratification by such a large number of member States should be required before the instrument could enter into force. They agreed that Convention No. 147 was absolutely fundamental and therefore the entry into force procedures for that instrument had been more strict, but this was not acceptable for the Protocol. Other ILO maritime Conventions only required ratification by two member States.

126. The Government member of Liberia remarked that the Committee was discussing a draft Protocol to a Convention that was in force and had been ratified

by a number of Members. Article 6 of Convention No. 147 contains the entry into force provision identical to the proposal of the Employers' members. Therefore he supported the Employers' members' amendment. He further stated that since the Protocol would only be opened for ratification by States that had ratified Convention No. 147, its entry into force provisions should be consistent with that of the Convention. If there was a standard ILO procedure requiring only two States to ratify a Convention as the condition for its entry into force, why was it not used for Convention No. 147?

127. The Government member of Croatia drew attention to Article 2 of the Protocol and Article 6 of Convention No. 147, which spoke of the need to apply the same conditions. In her view, if the same conditions were not applied, this could put Members who ratified the Protocol at the same time as the Convention into a difficult position, as the Protocol might enter into force before the Convention.

128. The Government member of Denmark supported the position of Liberia, but not that of Croatia. He thought that Convention No. 147 would enter into force at the time a Member ratified the Protocol, if it had not already ratified the Convention beforehand.

129. The deputy representative of the Secretary-General, on the statement by Liberia, confirmed that the Protocol was only open to ratification by States which ratified Convention No. 147. Paragraphs 2 and 3 of a new Article 6 were similar to provisions in Convention No. 147, decided on by the International Labour Conference 20 years ago. Regarding the question by the Government member of Croatia, if member States could ratify both the Protocol and the Convention at the same time, and unless this was the very first ratification of the Protocol, the instruments would come into force at the same time.

130. The Government member of Croatia now expressed her support for the new Article 6. The Government member of the Netherlands was also in favour. He thought that entry into force procedures should follow the parent instrument. The Government member of Malta also expressed his support, as did the Government member of Cyprus.

131. The Government member of Sweden opposed the amendment. He thought that it might have been better motivated if the Committee had come up with a package solution regarding Conventions listed in the Supplementary Appendix. As this was not the case, Sweden thought two ratifications sufficient for entry into force of the Protocol.

132. The Government member of India supported the amendment for the reasons put forward by the Government member of Liberia. The Government members of the Republic of Korea and China also took this position.

133. The Government member of France supported the Swedish position. He could not accept the Employers' amendment for legal and other reasons. The Protocol was only open to ratification by Members who ratified Convention No. 147. What did it mean to Members who had not? Did it imply that their implementation of the Protocol would be subject to a longer waiting period? If this were the case, as it seemed to be, then the Employers' amendment was

superfluous, as it created difficulties for countries who had already ratified the Convention. The Government member of Portugal supported the position of France, as did the Government member of the Islamic Republic of Iran.

134. The Government members of Finland, Italy and Spain supported the Government member of Sweden.

135. The Government member of Canada informed the Committee of an alternative: in the Conference Committee on Revision of Convention No. 109, the compromise had been to agree to entry into force six months after ratification by five Members, three of which had at least 1 million gross tonnes. He proposed to use similar wording.

136. The Workers' members accepted the proposal by Canada in order to reconcile very opposing positions. The Employers also accepted this subamendment, but wished to have the exact wording.

137. The Government member of Canada thereupon formulated his subamendment for a new Article 6 as follows: "It shall come into force six months after the date on which the ratification of five Members, three of which have at least 1 million gross tonnage of shipping, have been registered with the Director-General of the ILO."

138. The deputy representative of the Secretary-General observed that a consequence of this text would be that if a country were to ratify both instruments simultaneously, the Protocol would come into force before the Convention. To avoid this, the time period referred to should be changed to 12 months.

139. The Workers' and Employers' members agreed to this change, as did the Government members of Croatia, Denmark and the United Kingdom.

140. The Government member of France had a problem with this text since, if a Member ratified both the old Convention No. 147 and the new Protocol for its partial revision, why should the latter only enter into force 12 months later? It was not logical that the Office should retard the entry into force of provisions designed to improve the seafarers' lot.

141. The deputy representative of the Secretary-General confirmed that there was, in any case, in ILO instruments a normal waiting time for entry into force of 12 months. However, nothing prevented a member State from applying the provisions of any ILO instrument right away, notwithstanding the absence of an international obligation to do so.

142. The Chair declared the Employers' amendment adopted as subamended.

Supplementary Appendix

143. The Government member of Japan presented an amendment, also on behalf of the Government member of the Republic of Korea, to delete the Health Protection and Medical Care (Seafarers) Convention, 1987 (No. 164) and the Repatriation of Seafarers Convention (Revised), 1987 (No. 166) from the Supplementary Appendix.

144. The Employers' members remarked that this was very similar to an amendment of their own except that, in addition to Conventions Nos. 164 and

166, they also wished to see the Seafarers' Annual Leave with Pay Convention, 1975 (No. 146), deleted. Commenting first on the amendment by the Government members of Japan and the Republic of Korea, the Employers' members asked on what criteria Conventions should be included in the Supplementary Appendix. One of these should be whether a Convention contained elements enforceable by labour inspectors on board ships. Repatriation was not such an enforceable issue. There was no problem regarding the substantive context of these instruments. The question was the labour inspector's role. Of course, the number of ratifications would be an additional argument.

145. The Workers' members thought that the Conventions to which the Government members of Japan and the Republic of Korea referred were not difficult to apply in the context of inspection. Port States had to inform flag States that there was a problem on a particular ship. However, there should be a discussion on the form of the Supplementary Appendix. If not, there would be little progress. This discussion could take place in informal tripartite consultations. The Employers accepted this idea.

146. The Government member of Germany thought that a general discussion of the Supplementary Appendix was called for. There was a flexible form in the new Article 3. Governments had the possibility of ratifying or excluding certain Conventions listed here. This gave them plenty of room for manoeuvre. Therefore, if a maritime Convention enjoyed broad acceptance worldwide, it should be included. If not, it would not be. Inclusion should be regardless of whether individual Members thought they had difficulties. As concerned Convention No. 164, an EU Directive already covered the substantive issues and 15 EU Member States were compelled to apply it. Therefore, he insisted on retaining Convention No. 164 in the Supplementary Appendix and did not wish to participate in informal consultations on the matter.

147. The Government member of the Netherlands supported the amendment of the Government members of Japan and the Republic of Korea.

148. The Government member of Denmark wished to offer a compromise solution. He recalled that in the previous sitting he had spoken about "hard" and "soft" Conventions. He therefore proposed to establish two lists, to be included in the Supplementary Appendix. List A would contain generally recognized and globally accepted Conventions whose substantive provisions could be physically inspected on board ship, for instance Convention No. 133 on accommodation of crews. All Conventions already mentioned in the Appendix to Convention No. 147 also fell into the "hard" group. In List B would be included Conventions not generally recognized and therefore not globally accepted and which covered issues not physically inspectable, whether by port States or flag States. This would concern Conventions Nos. 108, 135, 146, 164 and 166. There would be no need to refer to Conventions covering occupational safety and health, because in such cases the port State inspection system could already intervene in any case.

149. The Government member of India thought that the proposal by the Government member of Denmark could create conflict, as it would not be compatible with Article 1 of the new Protocol. India opposed any move to reduce flexibility. Therefore the list of Conventions had to be limited.

150. The Government member of China supported the amendment by the Government members of Japan and the Republic of Korea.

151. The Government member of Germany felt that the Danish proposal meant a whole new legal regime for the application of Conventions in the proposed List B. Article 4 of Convention No. 147 should also be taken into consideration in this context.

152. The Government member of France wished to put a question of law to the secretariat. The proposal by the Government member of Denmark would raise serious legal problems since the Protocol only enabled a member State to extend the scope of application of the Conventions in the Supplementary Appendix to Convention No. 147. Furthermore, there was no distinction of this sort in the Appendix of Convention No. 147, nor any equivalent provisions to the two different levels suggested in Articles 2 or 4 of the Convention.

153. The deputy representative of the Secretary-General confirmed that there would indeed be a degree of legal complication if those were an "A" and a "B" list. However, he did not at this point have enough information as to the Committee's wishes to be able to reply further. Furthermore, certain aspects could also be considered in the Committee's Drafting Committee, so long as the present Committee's wishes were clear.

154. The Workers' members said that, while they understood the position taken by the shipowners and seafarers, they wished to remind the Committee that the purpose of the new Protocol was to protect seafarers by application of new minimum standards. If the Committee wished to demonstrate commitment to the aim of protection of seafarers, they should agree to the inclusion of instruments such as the Health Protection and Medical Care (Seafarers) Convention (No. 164) and the Repatriation of Seafarers Convention (Revised) (No. 166) in a core, obligatory Supplementary Appendix. The Workers had wanted a much longer compulsory list, but they did not wish to be inflexible. The matter should be dealt with in informal tripartite consultations.

155. The Government member of the United States wished to place her Government's commitment to the principle of ratification on record. It was important for governments to accept the Convention and thus to ratify it, leaving them the option to choose which instruments in the Supplementary Appendix they could accept, retaining a flexible approach.

156. The Chair adjourned the sitting, to allow an informal consultation group to draw up a proposal in respect of the Supplementary Appendix which would be acceptable to all members.

157. On resumption, the Chair announced that the result of the informal tripartite discussions was to propose placing two Conventions in the Supplementary Appendix, acceptance of which was mandatory, namely the Accommodation of Crews (Supplementary Provisions) Conventions, 1970 (No. 133), and the Seafarers' Hours of Work and Manning of Ships Convention (Revised) to be adopted by this Conference. Thereafter, a short-list would be added which would include four other Conventions, namely the Seafarers' Identity Documents Convention, 1948 (No. 108), the Workers' Representatives

Convention, 1971 (No. 135), the Health Protection and Medical Care (Seafarers) Convention, 1987 (No. 164), and the Repatriation of Seafarers Convention (Revised), 1987 (No. 166), which could be ratified on an optional basis.

158. The Government member of Croatia said she was not in favour of including Conventions such as the new revision of Convention No. 109 in the Supplementary Appendix which had not yet come into force.

159. Both the Employers' and Workers' members supported the Chair's announcement.

160. The Government member of Malta considered that this agreement curtailed the flexibility that his delegation wished to maintain. In fact, Malta was considering the ratification of Convention No. 147 but would now find it difficult. On the Chair's invitation, the deputy representative of the Secretary-General explained that the Protocol as drafted was optional. Convention No. 147 could be ratified without the Protocol. The Government member of Malta replied that his Government would have preferred to be able to ratify the Convention together with the Protocol.

161. The Government member of Russia found it difficult to include in the list of the compulsory Conventions, the revision of Convention No. 109 which had not even been adopted yet. He recalled again that Article 2(f) of Convention No. 147 referred to ratified Conventions and those which have entered into force.

162. The Government member of Panama indicated surprise that, after the lengthy discussion in the Committee of Article 1 of the Protocol, at which time many governments insisted on maintaining flexibility, the Supplementary Appendix included two mandatory Conventions. This would make ratification much more difficult and require, in the case of his country, a long process of consultations and concertation with those involved in maritime affairs.

163. The Government member of Cuba inquired whether compliance with the revision of Convention No. 109 and Convention No. 133 would be mandatory for all States or only for those which ratified the Protocol. The deputy representative of the Secretary-General responded that the latter was the case.

164. The Government member of the Republic of Korea was not ready to accept the inclusion of the revision of Convention No. 109 among the compulsory ones. One of the Conference Committees was presently examining the adoption of the revised version of that Convention and it was premature to include it in the Supplementary Appendix. He reminded the Committee that the Protocol should be developed in such a way as to facilitate the greatest number of ratifications. It was for this reason that he was hesitant to accept the inclusion of the revision of Convention No. 109.

165. Noting the solid support given by the social partners to the proposed revision of Convention No. 109, the Government member of the United States supported the idea of including it in the Supplementary Appendix. She added that the Committee on Convention No. 109 would soon consider adoption of a resolution which would clarify points of concern to her Government.

166. The Government member of France observed that the compromise reached by the Committee could be considered an international collective agreement which should be strongly supported. The Government member of Germany shared the view of the previous speaker and noted that the revision of Convention No. 109 was a landmark to which all should rally.

167. The Government member of the Netherlands wished to know whether, in view of Article 5 of the Protocol, those member States which ratified Convention No. 23, but not Convention No. 166, would be dispensed from the obligation to do so. The deputy representative of the Secretary-General replied that a State which ratified either Convention had an obligation to apply it in full. Under Convention No. 147 as it stands, a State which has not ratified Convention No. 23 has to have laws or regulations which are *substantially equivalent* to it. If such a State now ratifies the Protocol and has not ratified Convention No. 166, it may elect to accept the obligation to have laws or regulations *substantially equivalent* to Convention No. 166 instead of Convention No. 23. Only a State which has ratified Convention No. 166 is bound to apply it in full.

168. The Government member of the Netherlands would not want to stand in the way of a compromise that was so widely supported but wished to record that his Government still saw practical problems concerning the application of the proposed revision of Convention No. 109 through port state control. It was still of the opinion that the revision of Convention No. 109 was an instrument for flag state implementation only.

169. The Government member of Denmark supported the statements made by the Government members of France, Germany and the United States.

170. The Government member of Greece took note of the fact that the majority of the Committee's members supported the idea of including the revision of Convention No. 109 in the Supplementary Appendix to Convention No. 147. He proposed that a working group or a tripartite committee composed of maritime experts be established with a view to developing guidelines for the application of Convention No. 147, as revised by the Conference. These guidelines should be drawn up prior to the coming into force of the Protocol. The committee or working group should also examine the provisions of the revised Convention No. 109 in conjunction with the relevant provisions of the STCW Convention, as amended in 1995, and Article 4 of Convention No. 147.

171. The Government members of Finland, Japan, the Philippines, Italy and Belgium expressed support for the consensus. The Government member of Spain also supported it in spite of the difficulties the Supplementary Appendix would create for his Government. His Government agreed to the compulsory acceptance of Convention No. 133, and it was aware of the importance of port state control.

172. The Government member of Portugal was also prepared to accept port state control in connection with the revision of Convention No. 109 and Convention No. 108.

173. While acknowledging that the Conventions which now appeared in the Supplementary Appendix received the support of the majority of the Committee,

the Government member of Tunisia observed that the distinction between optional and mandatory Conventions could make it very difficult to sign the Protocol.

174. The Government member of the Islamic Republic of Iran declared that he could not accept the Supplementary Appendix because it included the revision of Convention No. 109, which was still under consideration.

175. Noting that there was considerable opposition, the Government member of India indicated that he was also not in agreement with the proposed Supplementary Appendix and asked the social partners whether they could perhaps reconsider their position.

176. The Workers' and Employers' members declined to do so.

177. The Government member of the Russian Federation asked whether the Supplementary Appendix referred to Convention No. 109 as it stood or to its future revised version. He indicated disapproval of the inclusion of two different groups of Conventions, one mandatory, the other optional.

178. The Government member of the Netherlands asked whether the Drafting Committee would revise Article 3 of the Protocol as it should now reflect that Convention No. 133 and the revision of Convention No. 109 had been deemed compulsory.

179. Replying to the Government member of the Russian Federation, the deputy representative of the Secretary-General explained that the Supplementary Appendix referred to the revised version of Convention No. 109. Turning to the Government member of the Netherlands, he confirmed that the Drafting Committee would finalize Article 3 upon receiving guidance from the Committee.

180. The Committee adopted the recommendations of the informal tripartite discussions referred to in paragraph 157 of this report.

181. In a spirit of compromise and tripartism both the Employers' and Workers' members withdrew their outstanding amendments concerning the Supplementary Appendix except for the Workers' members' amendment to include in the Preamble a reference to STCW, as this was relevant to the revision of Convention No. 109. The respective amendments submitted by the Government members of Japan and the Republic of Korea, and by Algeria, Australia, Belgium, Finland, France, Germany, Ireland, Italy, Luxembourg, Portugal, Spain and the United Kingdom were also withdrawn.

Resolution

182. The Committee had before it the text of a draft resolution prepared following the discussion of the first item on the Conference agenda. The draft called for a further Meeting of Experts to review the Guidelines for Procedure in respect of inspection of labour conditions on board ship issued by the ILO in 1990 especially in the light of standards adopted by the present session of the Conference.

183. The Chair referred to an amendment presented by the Government members of Algeria, France, Italy, Spain and Tunisia concerning the draft resolution on seafarers' living and working conditions. The amendment specified

that, as a matter of priority, guidelines and a standardized format for reports made by inspectors in accordance with Article 9 of the Convention should be developed. The Chair understood that the substance of this proposal would be noted in the Committee's report, as would the possibility of a fresh tripartite meeting of experts to prepare a practical handbook for on board inspections. The proposed inspection procedures and format would be recommendatory, not compulsory.

184. The Government member of Tunisia explained that the sponsors of the amendment wished the Governing Body to instruct the Director-General to have directives and a uniform inspection model developed in line with Article 9 of the new Convention to revise Recommendation No. 28, and also taking into consideration the views expressed in this Committee. The proposed amendment would produce a draft resolution identical to that adopted by the Committee on the revision of Convention No. 109. The countries sponsoring it hoped to have indicative guidelines so that Members could benefit from and apply the provisions of the new Convention. In the absence of such guidance, inspectors might each do their job differently. There was a need for standardization. Such standard formats for inspection reports should not be obligatory, however. The proposal would also fit well within the framework of technical cooperation between the ILO and the maritime administrations of Members. IMO guidelines for standardization of technical safety inspection of ships had proved most useful, and the ILO should provide similar.

185. The Government member of the Philippines suggested adding the words "as a matter of priority". The proposed guidelines were important to his country and would provide useful instruments for inspectors. However, he would support whatever majority decision the Committee took.

186. The representative of the Secretary-General indicated that in the light of the discussion recorded in the Committee's report, and with the reservation that the Director-General would make proposals in the context of future programme and budget requirements, he hoped this guide would be developed and contain suggestions for practical documents for the free use of Members. These would not be obligatory standards but they would help avoid costly and time-consuming efforts by individual member States. The Office would envisage a tripartite committee of experts with appropriate terms of reference.

187. The Workers' members supported that statement. The issue itself was fundamental, as many countries found it very difficult to develop such detailed, practicable standardized guidelines.

188. A Workers' member of Canada, on behalf of the Workers' members, recalled the origins of the present guideline-setting process. It was he who, in 1989, had chaired the Tripartite Meeting of Experts on labour conditions on board ship. As a result of that meeting, the ILO had published, in 1990, a booklet entitled *Inspection of Labour Conditions on Board Ship: Guidelines for Procedures* concerning seafarers' labour and social conditions to be observed by national and foreign flag ships. These guidelines had proved very useful. They were a cornerstone of meaningful inspection. The partial revision of Convention No. 147 meant that these guidelines would no longer be up-to-date. Therefore, it would

be appropriate for the ILO to revise them, taking into account the new instruments and the discussions in the Committee.

189. The Government member of France stated that the Committee on Revision of Convention No. 109 had just adopted the same resolution, word for word. The sponsors of the amendment thought that this Committee should do likewise. The text was necessary, if somewhat majestic, but the Committee should not have any difficulty in adopting it.

190. Both the Workers' and the Employers' members insisted on the importance of having a resolution but preferred the text presented by the Office. They were fully confident that the considerations motivating the amendment would be reflected in the Committee's report.

191. The Chair acknowledged that the sponsors of the amendment wanted a really useful resolution as did other Government members, especially from developing countries. The guidelines should therefore be developed into an instrument to meet everyone's needs. However, they should not have a binding character but provide a framework or format within which to undertake inspections.

192. The amendment under discussion was therefore rejected and the Office text of the draft resolution adopted.

Consideration and adoption of the report

Consideration of the report

193. The Committee considered its draft report at its 11th sitting.

194. The Government member of Croatia expressed her reservations as to paragraphs 85 and 86 of the report. She recollected that her proposal to postpone taking a decision on the point in question had had the support of several Government members and been generally accepted.

195. The Chair apologized if at any time he had failed to see a member of the Committee who was asking for the floor. He believed he had invariably corrected the situation when such a member again wished to speak. In any event, the decisions taken by the Committee as recorded in the report were in no way affected.

196. Corrections to specific paragraphs were submitted by various members for incorporation in the report.

Adoption of the report

197. At its 11th sitting the Committee unanimously adopted its report subject to a number of changes.

Geneva, 19 October 1996.

(Signed) C. HAMILTON,
Reporter.

**Proposed Protocol of 1996 to the Merchant
Shipping (Minimum Standards) Convention, 1976**

The General Conference of the International Labour Organization,
Having been convened at Geneva by the Governing Body of the International
Labour Office and having met in its Eighty-fourth Session on 8 October
1996, and

Noting the provisions of Article 2 of the Merchant Shipping (Minimum
Standards) Convention, 1976 (referred to below as "the principal
Convention"), which states in part that:

"Each Member which ratifies this Convention undertakes -

- (a) to have laws or regulations laying down, for ships registered in its
territory -
 - (i) safety standards, including standards of competency, hours of
work and manning, so as to ensure the safety of life on board
ship;
 - (ii) appropriate social security measures; and
 - (iii) shipboard conditions of employment and shipboard living
arrangements, in so far as these, in the opinion of the
Member, are not covered by collective agreements or laid
down by competent courts in a manner equally binding on the
shipowners and seafarers concerned;

and to satisfy itself that the provisions of such laws and regulations are
substantially equivalent to the Conventions or Articles of Conventions
referred to in the Appendix to this Convention, in so far as the Member
is not otherwise bound to give effect to the Conventions in question;"
and

Noting also the provisions of Article 4, paragraph 1, of the principal
Convention, which states that:

"If a Member which has ratified this Convention and in whose port a ship
calls in the normal course of its business or for operational reasons receives
a complaint or obtains evidence that the ship does not conform to the
standards of this Convention, after it has come into force, it may prepare a
report addressed to the government of the country in which the ship is
registered, with a copy to the Director-General of the International Labour
Office, and may take measures necessary to rectify any conditions on board
which are clearly hazardous to safety or health"; and

Recalling the Discrimination (Employment and Occupation) Convention, 1958,
Article 1, paragraph 1 of which reads:

"For the purpose of this Convention the term "discrimination" includes -

- (a) any distinction, exclusion or preference made on the basis of race,
colour, sex, religion, political opinion, national extraction or social
origin, which has the effect of nullifying or impairing equality of
opportunity or treatment in employment or occupation;
- (b) such other distinction, exclusion or preference which has the effect of
nullifying or impairing equality of opportunity or treatment in
employment or occupation as may be determined by the Member
concerned after consultation with representative employers' and
workers' organisations, where such exist, and with other appropriate
bodies"; and

Recalling the entry into force of the United Nations Convention on the Law of
the Sea, 1982, on 16 November 1994, and

Recalling the International Convention on Standards of Training, Certification
and Watchkeeping for Seafarers, 1978, as amended in 1995, of the
International Maritime Organization,

Having decided on the adoption of certain proposals with regard to the partial
revision of the principal Convention, and

Having determined that these proposals should take the form of a Protocol to the principal Convention; adopts, this day of October one thousand nine hundred and ninety-six, the following Protocol, which may be cited as the Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976.

Article 1

1. Each Member which ratifies this Protocol shall extend the list of Conventions appearing in the Appendix to the principal Convention to include the Conventions in Part A of the Supplementary Appendix and such Conventions listed in Part B of that Appendix as it accepts, if any, in accordance with Article 3 below.

2. Extension to the Convention listed in Part A of the Supplementary Appendix that is not yet in force shall take effect only when that Convention comes into force.

Article 2

A Member may ratify this Protocol at the same time as or at any time after it ratifies the principal Convention, by communicating its formal instrument of ratification of the Protocol to the Director-General of the International Labour Office for registration.

Article 3

1. Each Member which ratifies this Protocol shall, where applicable, in a declaration accompanying the instrument of ratification, specify which Convention or Conventions listed in Part B of the Supplementary Appendix it accepts.

2. A Member which has not accepted all of the Conventions listed in Part B of the Supplementary Appendix may, by subsequent declaration communicated to the Director-General of the International Labour Office, specify which other Convention or Conventions it accepts.

Article 4

1. For the purposes of Articles 1 and 3 of this Protocol, the competent authority shall hold prior consultations with representative organizations of shipowners and seafarers.

2. The competent authority shall, as soon as practicable, make available to representative organizations of shipowners and seafarers information as to ratifications, declarations and denunciations notified by the Director-General of the International Labour Office in conformity with Article below.

Article 5

For the purpose of this Protocol, the Repatriation of Seafarers Convention (Revised), 1987 shall, in the case of a Member which accepts that Convention, be regarded as a replacement of the Repatriation of Seamen Convention, 1926.

Article 6

This Protocol shall come into force twelve months after the date on which the ratifications of five Members, three of which each have at least 1 million gross tonnage of shipping, have been registered with the Director-General of the International Labour Office.

Supplementary Appendix

Part A

Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133) and
Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No.)

Part B

Seafarers' Identity Documents Convention, 1958 (No. 108)

Workers' Representatives Convention, 1971 (No. 135)

Health Protection and Medical Care (Seafarers) Convention, 1987 (No. 164)

Repatriation of Seafarers Convention (Revised), 1987 (No. 166)

**Resolution concerning the inspection of
seafarers' working and living conditions**

The General Conference of the International Labour Organization,
Having discussed the first item on its agenda, entitled the *Revision of the
Labour Inspection (Seamen) Recommendation, 1926*,
Considering the importance of the implementation of the instruments relating
to the inspection of seafarers' working and living conditions,
Recalling the Guidelines for Procedure in respect of inspection of labour
conditions on board ship issued by the International Labour Office in 1990,
Invites the Governing Body of the International Labour Office to request the
Director-General to make proposals for a further Meeting of Experts to
review the guidelines in the light especially of the standards adopted by the
present session of the Conference and for the promotion of the widest
possible use of such guidelines.

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Provisional Record

Eighty-fourth (Maritime) Session, Geneva, 1996

Second item on the agenda:

Revision of the Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958 (No. 109), and Recommendation, 1958 (No. 109)

Report of the Committee on Convention and Recommendation No. 109

1. The Committee on the Revision of the Wages, Hours of Work and Manning Convention (No. 109) and Recommendation was set up by the International Labour Conference at its first sitting on 8 October 1996. It was originally composed of 111 members (53 Government members, 22 Employer members and 36 Worker members). To achieve equality of voting strength, each Government member was allotted 99 votes, each Employer member 234 votes and each Worker member 143 votes. The composition of the Committee was modified several times during this session and the number of votes attributed to each Member was adjusted accordingly.

2. The Committee elected its Officers as follows:

Chairman: Mr. F. O'Muircheartaigh (Government member, Ireland);

Vice-Chairmen: Mr. J. Lusted (Employer member, United Kingdom) and Mr. B. Orrell (Worker member, United Kingdom);

Reporter: Mr. D. Holmes (Government member, Australia).

3. At its fourth sitting the Committee appointed members of a Drafting Committee composed as follows: Mr. M. Marquer (Government member, France), Mr. G. Sulpice (Employer member, France), Mr. B. Orrell (Worker member, United Kingdom) and the Reporter of the Committee. At its sixth sitting the Committee set up a working group to consider the draft Recommendation and amendments proposed to it and report back to it. The members of the working group were as follows:

Working group

Chairperson: Ms. B. Solling Olsen (Denmark)

Government:

Mr. C.E. Krusa (United States)

Mr. J. Lemmen (Netherlands)

Mr. M. Marquer (France)
Mr. F.D. Payno y Sánchez (Mexico)
Mr. M.P. Pinto (India)

Employer:

Mr. R. Aglieta (Italy)
Mr. G. Koltsidopoulos (Greece)
Ms. E. Midelfart (Norway)
Mr. N.E. Pardiwala (India)
Mr. C.J. Park (Republic of Korea)
Mr. M.W. Zier (Netherlands)

Worker:

Mr. T. Abrahamsson (Sweden)
Mr. P. Brazzoduro (Croatia)
Mr. R. Berger (United States)
Mr. D. Cockroft (International Transport Workers' Federation)
Mr. P. Funch (Denmark)
Mr. G. Hicks (United Kingdom)

4. The Committee had before it Report II "Revision of the Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958 (No. 109), and Recommendation, 1958 (No. 109)" prepared by the Office, which contained the proposed Convention and Recommendation submitted by the Office on the basis of the discussions at the Tripartite Meeting on Maritime Labour Standards concerning revision of the Wages, Hours of Work and Manning Convention (No. 109) and Recommendation in November 1994.

5. The Committee held 14 sittings.

Introduction

6. The representative of the Secretary-General of the Conference, Mr. Muneto Ozaki, welcomed the delegates to the first sitting of the Committee and proceeded with the election of its Chairman and Vice-Chairmen.

7. The Chairman thanked the Committee for having elected him to chair its activities. He looked forward to a period of constructive and collaborative effort that would result in the production by the Committee for adoption by the Conference of a Convention and Recommendation that were worthy, meaningful and acceptable to ILO member States and to those whose lives and operations would be touched by them. Time was short and it was important to make the best use of it, building as far as possible on the considerable measure of agreement that had been reached in the preliminary discussion in 1994.

8. The Committee agreed that the text of the Convention proposed by the Office and contained in Report II would be the basis for its deliberations and agreed a timetable for the discussion of the text.

General discussion

9. A representative of the Secretary-General introduced the Office report. In recalling the resolution of the Seventy-fourth (Maritime) Session of the International Labour Conference in 1987 concerning conditions of employment of seafarers, he traced the work leading to the preparation of the present report, including related work with the International Maritime Organization (IMO). Over a period of 60 years four Conventions on wages and hours of work of seafarers and the manning of ships had been adopted, but none had come into force. It was hoped that the proposal to have a Convention dealing with hours of work, hours of rest and manning, and a Recommendation concerning wages and hours of work and manning with regard to pay, would overcome previous difficulties with ratification. The Office's comments on the Conclusions adopted by the Tripartite Meeting in 1994 included reference to recent standards concerning hours of rest for watchkeeping personnel adopted by the IMO. Where the Office had redrafted certain sections of the Conclusions, it had done so while trying to retain their substance. The Office regretted not having undertaken the research into the links between work and fatigue that had been requested of it. The original timetable for the Conference had meant that the report had to be completed before such research could be carried out. In responding as best it could to the request, the Office had included extracts of studies that it was aware of in an annex to the report.

10. The spokesman of the Employer members stressed the importance to seafarers' wellbeing, and that of shipowners, of the safe operation of ships; hours of work were crucial in achieving this. He recalled that of all the instruments adopted on this topic since 1936, only Recommendation No. 109 had had an impact. It was important that the issues under consideration were dealt with on an international basis if a policy vacuum were to be avoided. The Committee would be called on to find the correct balance between preventing abusive working conditions while enabling a workable, flexible regime that would enable shipowners to continue to operate their ships and show a profit in a fiercely competitive market. It was important to realize that shipping was not a homogeneous industry. There were significant differences in operations and requirements of deep-sea and coastal ships, ferries and short-trip vessels such as off-shore supply and heavy lift vessels. There were different jobs to be done in each case, under quite different conditions and at different rhythms. Thus the need for a flexible, practical instrument was clear. The Employer members were heartened by the progress made in 1994, particularly the separation of wages issues into a draft Recommendation. The Office text was an excellent basis for the Committee's work notwithstanding some areas where the Employers saw a need for a change in emphasis. He referred to other instruments that had been adopted since 1994, and to the need to ensure that there was no conflict between them. One of these was a new chapter of the revised International Convention on Standards of Training Certification and Watchkeeping for Seafarers, 1978 of the IMO (STCW Convention). The International Safety Management (ISM) Code could also have an impact.

11. The spokesman of the Worker members congratulated the Office on the quality of the draft text. While focusing his preliminary remarks on the

Convention, the speaker reiterated that the workers also attached great importance to the question of wages. They recognized the benefits of having this question dealt with separately. The purpose of the Committee's work was, in drafting a Convention on hours of work and manning of ships, to weave a safety net for all those who went to sea. The valuable work carried out in 1994 in this regard should be built on. He warned, however, that the Workers were only prepared to be flexible when they were certain that the Employer and Government members demonstrated through their amendments and discussions that they cared for those who went to sea. Referring to the opening address of the President of the Conference, the speaker recalled that the maritime industry operated in one of the most hostile environments, with dangers to all. It should not be forgotten, however, that the dangers to shipowners and governments were financial or political in nature, whereas seafarers faced physical, life-threatening risks. Since the Tripartite Meeting in 1994, 180 ships of over 500 tonnes, amounting to 1.2 million gross tonnes, had been lost at sea, with the loss of 1,200 lives. In the first half of 1996 the loss of life at sea was double that of all 1995. These stark facts should be borne in mind when amendments were introduced, particularly by governments. It was on governments and their legislation that seafarers placed their greatest reliance for their wellbeing. Since the 1994 meeting over 1,800 ships had been detained under the memorandum of understanding on port state control as not being seaworthy — a one-sixth increase over the previous year. Moreover, the leading classification agencies had declassified over 2,500 ships, 50 per cent more than in 1994. The Committee should not believe that all these ships had been scrapped. If they were still afloat, they were likely to be still in service, probably under flags of convenience. He also wished to note that only about 3 per cent of the world's fleet had ISM Code certification. All was not well at sea — international social and safety standards were slack and getting worse. The exploitation of seafarers was not confined to substandard ships; excessive hours were being worked by highly trained seafarers on high-tech ships. Reduced manning, longer time on board ship and increased workloads were causing increases in fatigue and stress. He regretted that the Office had been unable to meet the request for studies on working time and stress, particularly since 80 per cent of accidents were due to "people error" with a majority occurring on ships sailing under flags of convenience. The text in the Office report provided a good basis for a Convention; one which the Workers believed could and should be widely ratified. A Convention could only be of value if it were enforced. In this regard, the Workers felt that the introduction of port state control could be an important factor.

12. The Government member of France was the first of several Government speakers to praise the Office's work in preparing a good basis for the Committee's discussions. He pointed to the challenges presented in the sections dealing with hours of work and hours of rest. He recalled the work of the IMO in ensuring that safety required a wide approach encompassing management and organization of work on board ship. A new ILO Convention was part of such a global approach.

13. The Government member of the Republic of Korea recognized the sensitivity of the hours of work, manning and wages. None the less, the time had come to revise existing instruments. He looked forward to the development and

adoption of a reasonable, flexible and ratifiable Convention that would satisfy the basic aim of protecting the rights of seafarers; one that took into account the varying social and economic conditions in member States of the ILO.

14. The Government member of Iraq attached great importance to the revision of Convention No. 109 since his country was one of the few to have ratified it. His country was dependent on shipping and current problems were affecting the employment and training of seafarers. He looked forward to a Convention based on general rules for determining hours of work and rest that would allow member States to incorporate it in their legislation, thereby improving seafarers' conditions and the economic situation of shipowners.

15. The Government member of Denmark called for a flexible and pragmatic approach to developing a broadly acceptable and ratifiable Convention. She, along with other speakers, referred to the importance of the Articles dealing with hours of work and hours of rest of seafarers. Also important was the need to be consistent with the IMO Convention on Standards of Training, Certification and Watchkeeping for Seafarers.

16. The Government member of the United Kingdom welcomed the separation of the issue of wages from the issue of hours of work by means of a Recommendation. He stressed that the revised Convention should focus on the need to secure safety in a way that was consistent with other instruments. He echoed the wishes of other speakers that the Committee would develop a meaningful, flexible and ratifiable instrument.

17. The Government member of the United States hoped that the discussions would result in a meaningful improvement in the working and living conditions of seafarers. He pointed out that the US Coast Guard is implementing the revised STCW Convention in relation to watchkeepers on United States flagged ships and had set standards for hours of work on oil tankers under the Oil Pollution Act of 1990 that were consistent with the provisions of the revised Convention. He referred to the continuing research in the United States on the link between seafarers' hours of work and fatigue.

18. The Government member of Norway welcomed the separate consideration of wages, which was a matter for collective bargaining in his country. It was also important that the Convention was flexible enough to be applied to different types of ships and operations, including those having extremely short voyages.

19. The Government member of Denmark stated her country's support for the ILO as the focal point for international standard setting with regard to seafarers' working and living conditions. The agenda of this Conference was too narrow as it did not take full account of the structural changes in the shipping industry. Denmark gave high priority to the working and living conditions for seafarers. Denmark had two shipping registers, including an international register. All ships under the Danish flag had a good safety record and all seafarers, regardless of nationality, had good living and working conditions. Denmark was pleased that the Joint Maritime Commission (JMC) in 1992 had pointed to structural changes in the shipping industry. Denmark would have preferred, in addition, that the Conference had taken on the request of the JMC to the Governing Body in 1992 to undertake a study on the effects of a second or

international register on seafarers coming from labour-providing countries other than those of their own flag since many countries had a second or international register. A study should examine the legal protection afforded non-domiciled seafarers in relation to nationals of the flagship country; how other problems of seafarers were handled; and whether and to what extent external management practices on board ships adversely affected employment conditions. The results should be discussed at an early session of the JMC with a view to further action. She urged the Office to take up this request.

20. A representative of the Secretary-General replied that the Office had taken note of the request and it would submit the issues raised to the Governing Body for consideration when determining the agenda of the next regular session of the JMC. Some preliminary consultations with the shipowners' and seafarers' groups of the JMC had already taken place.

Consideration of the proposed texts contained in Report II

A proposed Convention to revise the Wages, Hours of Work and Manning (Sea) Convention (Revised), 1959 (No. 109)

Preamble

21. Three amendments to the Preamble were submitted. The Worker members introduced an amendment to include the number of the Merchant Shipping (Minimum Standards) Convention, 1976, and a reference to the Protocol of 1996. The purpose was to clarify the text in line with the previous discussions in the Tripartite Meeting on Maritime Labour Standards (1994), and in recognition of the parallel discussions on the Protocol.

22. The Employer members, supported by the Government members of Denmark and the Netherlands, accepted the amendment referring to the proposed Protocol with the reservation that this position would be reviewed in the light of the result of the discussion on Protocol, and that the reference be examined by the Drafting Committee of the Conference. The amendment was adopted.

23. An amendment from the Worker members to include the fact that the STCW Convention of the IMO had been amended was adopted.

24. The Government members of Belgium, France, Ireland, Portugal and Spain introduced an amendment to include mention of the Labour Inspection (Seafarers) Convention, 1996. The Government member of France supported including this reference since it would encourage flag States ratifying the new text of Convention No. 109 to endow themselves with labour inspection.

25. The Government members of Egypt and Germany introduced a subamendment to include the number of the Convention wherever such references appeared. The Chairman indicated that this would be referred to the Drafting Committee.

26. The spokesman of the Employer members supported the amendment subject to the reservations expressed earlier concerning the eventual adoption of this complex instrument.

27. The Government member of Denmark, supported by the Government members of the Netherlands, Norway and the United Kingdom, said that she also had reservations on the amendment until the outcome of the discussions on the Convention were known, and pointed out that only IMO instruments were being referred to in this part of the text. The Chairman said that this too would be dealt with by the Conference Drafting Committee. The amendment was adopted, subject to the expressed reservations.

28. The Preamble, as amended, was adopted.

Article 1

29. Five amendments to Article 1 were submitted. The Worker members introduced an amendment to refer to "vessel" rather than "seagoing ship" in paragraph 1 since the Convention should apply to every publicly or privately owned and registered vessel regardless of its configuration.

30. The Employer members opposed the amendment as it widened the scope of the proposed Convention too much, covering craft that should not be subject to a seagoing regime thereby making it too difficult to apply and police. The Government members of Denmark, India, Malta, Norway, the United Kingdom and the United States also opposed the amendment as it would unnecessarily widen the scope of the Convention by, inter alia, extending its coverage to inland navigation. This was not the Convention's intention. The term "seagoing ship", used in most IMO Conventions, was preferred. Moreover, ILO Convention No. 147, in defining seagoing ships, also gave exceptions so as to cover the difficulty of configuration. The Government member of Canada, while opposing the use of the word "vessel", proposed a subamendment to delete "seagoing", as this would enable the Convention to apply to situations such as on the Great Lakes of North America.

31. The spokesman of the Worker members regretted the opposition to the proposed amendment, which was designed to safeguard seafarers by employing the widest possible definition consistent with manageability. Consistency with the definition used in other conventions was not the issue. He wondered how many of the lives and ships that had been lost related to ships not covered by the existing definition. Small ships that were not subject to the existing definition were precisely those with the hardest and most dangerous working conditions. In a spirit of compromise, he supported the subamendment proposed by Canada and withdrew the amendment proposed by the Worker members.

32. The Employer members said that while the situation cited by Canada was unusual, it could be dealt with by national legislation. They opposed the subamendment.

33. The Government members of Australia and the Republic of Korea felt that the problem could be addressed by adopting a proposed amendment to Article 1, that national laws or regulations shall define seagoing ships for purposes of the Convention. The subamendment of Canada could then be accepted. The spokesman of the Worker members supported this proposal.

34. The Government members of Egypt, Germany and India opposed the subamendment of Canada and the proposal by the Government members of Australia and the Republic of Korea. A clear distinction needed to be made

between seagoing and inland navigation. If the scope of the Convention was extended too far, it would be difficult to ratify the instrument. The spokesman of the Employer members agreed, pointing out that the term "seagoing ship" was well established in international conventions. In case of doubt over the definition of a ship, an insertion along the lines proposed for Article 1, paragraph 3, would be acceptable.

35. The subamendment and the amendment were not adopted.

36. The Employer members introduced an amendment to paragraph 1 to limit the coverage of the Convention to ships of 500 gross tonnes or more and powered by main propulsion machinery of at least 750 kw propulsion power. This would render the Convention more practicable and easier to enforce. It would align the way work and rest hours were dealt with in other instruments such as the revised STCW Convention, which used the same definition.

37. The Worker members opposed the amendment, which would further narrow the Convention's scope by excluding smaller ships where working conditions and safety concerns, a prime concern of the revised Convention, were the most serious.

38. The Government members of Australia, Denmark, India, the Netherlands, the Russian Federation, the United Kingdom and the United States also opposed the amendment. ILO instruments, concerned as they were with employment issues, did not usually have the kinds of restrictions contained in IMO instruments or those of classification companies such as Lloyds. Hours of work on small ships needed close supervision and there had been a trend more recently, for example in the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147) and the Seafarers' Welfare Convention, 1987 (No. 163), to allow discretion to governments to decide this.

39. In view of the lack of support, the Employer members withdrew the amendment.

40. The Government members of Belgium, Denmark, Finland, France, Germany, Ireland, the Netherlands, Norway, Portugal, Sweden and the United Kingdom submitted an amendment to paragraph 1 to delete the reference to a second jurisdiction over the ship. For practical and political reasons the possibility of a second jurisdiction, other than the flag State retaining some degree of control of a ship, was not acceptable to many member States. The spokesman of the Employer members supported the proposed amendment which would remove a textual ambiguity and ensure that the flag State had control.

41. The Worker members preferred the Office text. It offered greater clarity. Following an explanation from the representative of the Legal Adviser, who referred to the Office's comments in the report on this issue and who advised that the amendment would not, in the context of this Convention, reduce the primary obligation of the flag State to give effect to the "non-real" rights such as crew safety matters, the Worker members accepted the proposed amendment, which was adopted.

42. The Government member of Australia, seconded by the Government member of New Zealand, offered an amendment to add a new paragraph that stated that national laws or regulations shall determine when ships are to be

regarded as seagoing ships for the purposes of the Convention. The amendment spoke to a broader need than that of commercial operations appearing in paragraph 3, and it was consistent with ILO Conventions Nos. 147 and 163.

43. The Worker and Employer members opposed a new paragraph, since it left responsibility entirely to the national authority, without recourse to consultation with owners and seafarers. Following a proposal from the Employer members to include "seagoing ships" in paragraph 3, the Government member of Australia withdrew his amendment.

44. The Worker members put forward an amendment to delete paragraph 2 and replace it by: "After consultation with the representative organizations of employers and workers concerned, the competent authority may exclude from the application of this Convention seafarers employed on vessels engaged on commercial fishing vessels." The spokesman of the Worker members recalled arguments from the 1994 Tripartite Meeting concerning the long hours, stress and hostile environment prevailing on many large fishing vessels, which justified their protection. The amendment would allow the inclusion of a safety net of provisions for fishermen, pending a subsequent thorough discussion of the issue.

45. The Employer members did not want to deprive seafarers on fishing ships of necessary protection but they opposed the amendment. There was a practical problem of knowing what should be properly included in the Convention in the absence of any significant representation from commercial fishing owners on the Committee. Originally, commercial fishing had been excluded because these employers alone knew best their own problems. If fishing were now included, every provision of the Convention would have to be reviewed for its application to the industry.

46. The Government members of France, India, the Islamic Republic of Iran and the United States opposed the amendment, which would render the Convention unratifiable for many member States. They recognized the difficult conditions on fishing vessels, but the industry was still characterized by small family operations in many countries, as well as by a wide diversity of pay systems and working conditions. In some countries there was considerable opposition within the fishing sector itself to commercial operations, in others there was a resistance to the regulations of fishing. For these reasons, the amendment was inappropriate. The Government member of Denmark, while expressing sympathy with the problems expressed by other countries, reported that her country already applied the same regulations regarding hours of rest in respect of both seafarers and fishermen. Several Government members, however, favoured a discussion with all concerned which might lead to a separate ILO Convention covering fishing.

47. Several Worker members said the amendment would provide justice for fishermen. There had been many changes in the fishing industry and they questioned why large commercial fishing operations and fishermen should be treated differently from other ships and seafarers. Safety at sea could not be assured unless fishing ships were included in the Convention's scope. Governments would not assume responsibility for loss of fishermen's lives at sea, and, for this reason, they looked to the ILO for protection. Without the amendment the Convention's objectives could not be met.

48. The spokesman of the Worker members proposed a subamendment to delete the words "To the extent it deems practicable" in paragraph 2. In return, the Worker members would withdraw their amendment.

49. The Employer members did not support the subamendment. They were not fully conversant with all the issues confronting fishing vessels and felt that the deletion would give the competent authority no choice and would probably constrain the possibilities of the Convention's application. The Government members of India, the Netherlands and the United States also opposed the subamendment for similar reasons.

50. The subamendment and the amendment were not adopted.

51. The Chairman hoped that the views of the Government members on the importance of the fishing industry would provide some reassurance to the Worker members that when the Convention was agreed and ratified it would be applied to the benefit of fishermen.

52. The spokesman of the Employer members returned to his earlier suggestion to amend paragraph 3 by adding "seagoing or" after "regarded as" in line 1. The amendment was adopted.

53. Article 1, as amended, was adopted.

Article 2

54. Four amendments to Article 2 were submitted. The Government member of Mexico, seconded by the Government member of Ireland, proposed to add "or during which the seafarer is available to do particular work" at the end of subparagraph (b). The Worker members supported the amendment.

55. The Employer members did not support the amendment which they felt introduced uncertainty over whether seafarers were at work during these periods. The Government member of the Netherlands also opposed the amendment since seafarers were on board 24 hours a day and thus would always be available for work.

56. The Government member of India disagreed. He pointed out that the amendment referred to periods during which a seafarer was available for work but the shipowner did not see fit to give him work. He proposed a subamendment, replacing "particular work" by "such work" since the work referred to had been defined earlier in the subparagraph.

57. In response to a question from the Chairman, the Government member of Mexico stated that the amendment was not intended to place seafarers on call 24 hours a day, since there would always be at least one rest period during this time frame. The Government member of France felt that further clarity was needed between "available for" and the "periods of responsibility" mentioned in the proposed Article 3(d).

58. The amendment was not adopted.

59. The spokesman of the Worker members introduced an amendment to replace subparagraph (e) with a definition of "shipowner" that attempted to refine what was being sought in 1994. He recalled that it had been agreed by the groups in the 1994 discussion that structural changes in the industry had moved beyond the traditional definition of shipowner. The use of "is accountable" in the Office

text rather than "has assumed the responsibility" did not clarify the matter and the latter was preferred. The amendment further refined the agreement reached in 1994, and aligned terminology with the STCW Convention and ISM Code definitions.

60. The Government member of Denmark raised the issue of employers other than shipowners, such as in the catering sector. In response, the spokesman of the Employer members felt that it could be dealt with under the STCW Convention, which referred to "company".

61. The Employer members, who had submitted a similar amendment, recalled that a compromise had been reached in 1994 that was close to the ISM Code definition. The spokesman of the Employer members supported the amendment of the Worker members which made it clearer that responsibility was assumed and not devolved down. He proposed to replace "vessel" by "ship". There was consensus on this suggestion and the Employer members withdrew their amendment.

62. The amendment, as subamended, was adopted.

63. The Government member of Japan, seconded by the Government member of the Republic of Korea, introduced an amendment designed to remove any contradiction in the Office text, which referred to owner and to operation of the ship. By referring to national laws or regulations or collective agreements the definition of owner could be in terms of employment responsibility, which was the case in Japan, without widening this definition.

64. The Government member of Australia, and the Employer and Worker members did not support the amendment, particularly in the light of the amendment just adopted. Moreover, the ISM Code definition, which addressed the person or organization assuming responsibilities, dealt satisfactorily with this issue.

65. The Government member of Japan withdrew the amendment on the understanding that the Japanese definition of shipowner as employer was in line with the Convention.

66. Article 2, as amended, was adopted.

Article 3

67. Nine amendments to Article 3 were submitted. The Government member of Australia withdrew an amendment to delete Article 3.

68. The Government member of Denmark, speaking on behalf of the Government members of the Netherlands and Norway, submitted an amendment to make the application discretionary by the use of "may", and to restrict it to emergency activities.

69. The Worker members opposed the amendment. The activities in question should not be limited to emergency activities. Moreover, it was difficult to know what was meant by national practice. The spokesman of the Worker members recalled that Article 3 was a catch-all for matters which could not be accommodated elsewhere. Many of the activities mentioned were not periods of rest. The 1994 discussions showed that these issues needed to be addressed, which

was best achieved by preserving the existing text, particularly the final subparagraph.

70. The spokesman of the Employer members insisted that, as agreed in 1994, the intention of Article 3, with the exception of subparagraph (d), was to recognize that activities on board ship that were related to safety, in which everyone was expected to participate, did not count as regular hours of work. Musters especially should not be excluded. The final subparagraph (d) concerning periods of responsibility when on call did not belong in the Convention.

71. The Government member of Egypt opposed the amendment, as these matters should be settled through consultation. The Government members of Australia and Malta also opposed the amendment. Musters, for example, required time out for rest. The matters under discussion were more appropriate for collective bargaining where it existed, and should be monitored by the competent authority for safety applications. The matters should not be left strictly to regulation by the competent authority.

72. In response to a question on the relationship between the means of application of Article 3 and the provisions of Article 14 which referred to collective agreements, among other means, the representative of the Legal Adviser said that, as in all such cases, the relationship depended on the terms of the provision and the obligations each contained. Did a particular provision, for example, require enforcement through government action, such as by-laws and regulations? Some of the comments in the Office report supported the suggestion of a representative of the Secretary-General that, in this case, although Article 3 contained no reference to collective bargaining, Article 14 was applicable, i.e. the government could decide that collective bargaining agreements could be used to apply the Article's provisions. In any event, pursuant to article 19(5)(d) of the ILO Constitution, the Member undertook, when ratifying a Convention, to "take such action as may be necessary" to give effect to it.

73. The Government member of Denmark nevertheless felt that the amendment deserved support because governments would have to assume responsibility if the parties were unable to reach agreement through collective bargaining.

74. The spokesman of the Worker members said that, on the basis of the legal interpretation provided by the Office, and given the willingness of workers' organizations to negotiate, the present text of Article 3 should be retained. In any case, the Worker members opposed the use in the amendment of "may" instead of "shall". Governments, moreover, had to define their responsibilities. Seafarers were not seeking to avoid their own responsibilities, but they needed assistance from governments which went beyond referring to "national practice".

75. The spokesman of the Employer members stated that the activities in the first three subparagraphs needed to be determined by someone, although the Employer members had no strong feelings on how. While collective agreements had often proved successful, there was also clearly a role for the State in some form.

76. On the proposal of the Chairman, it was agreed that the existing first sentence up to "rest:" would be adopted subject to further legal advice on collective agreements in Article 14 and the amendment was not adopted.

77. The Government member of Denmark, speaking on behalf of the Government members of the Netherlands and Norway, introduced an amendment to delete subparagraph (a). The proposal was linked to the previous amendment on the introductory part of the Article, and to a subsequent amendment concerning subparagraph (d), since all of these issues should be matters for collective agreements.

78. The Employer and Worker members opposed the amendment. The spokesman of the Employer members stressed that there was clearly a place for subparagraph (a) in the Convention, particularly in relation to two-watch ships. Whether or not collective bargaining was appropriate, the provision would have to be accommodated within the basic standards in some way. The amendment was not adopted.

79. The Committee considered two amendments to include the issue of environmental pollution in subparagraph (b). The intention of the Employer members' amendment was to enable the ship's master to ensure activities for the safety of people or cargo and to protect the environment from cargo damage. The Government member of Greece, seconded by the Government member of Malta, submitted an amendment to ensure that the fighting of marine environment pollution carried equal weight with other considerations in subparagraph (b).

80. The Worker members opposed both amendments. The subparagraph should apply only in cases where the ship was in danger and there was no question that seafarers would make themselves available. Ensuring the safety of persons and cargo on board and protecting the environment formed part of seafarers' daily work. This activity was subject to a ship's master's determination and should be taken up elsewhere. The Office text should be retained. The Government member of Australia agreed, and suggested that these matters could be dealt with under Article 8.

81. The Government member of the United States considered the amendments inappropriate since there were numerous situations unrelated to environmental pollution in which ships faced danger. The Government members of Cuba and the Russian Federation opposed the amendments since the issue of safety was best determined by the competent authority in each country. The amendments were not adopted.

82. An amendment to delete a reference to "at sea" in subparagraph (c), as there might be other occasions in which seafarers would be called upon to assist persons in danger, was opposed by the Worker members. Its inclusion by the Office was consistent with the 1994 discussions. The Employer members withdrew the amendment.

83. The Government member of Denmark, on behalf of the Government members of the Netherlands and Norway, and the Employer members, each submitted an amendment to delete subparagraph (d). The Worker members submitted an amendment to remove the brackets around the subparagraph, thereby retaining it.

84. The Government member of Denmark reiterated that periods of responsibility should be regulated by collective agreements. The spokesman of the Employer members considered that a majority had been against the subparagraph

in 1994. Its retention would cast doubt on how such periods should be treated. It was not an issue for the competent authority. A similar text had been rejected in the drafting of the STCW Convention.

85. The Worker members did not agree. The problem of frequent call-outs on unreliable ships was widely recognized. The problem of seafarers being on call after working for 12 hours would not be addressed by deleting the provision. Even if covered by collective agreements, the matter would still need to be monitored for safety by governments. Since Article 14 dealt with that issue, as the Legal Adviser had indicated, the amendment submitted by the Worker members should be adopted.

86. A Worker member expressed concern that the Convention set out standards which were inferior to those enjoyed by seafarers in his country. The Chairman reassured him that, under article 19(8) of the ILO Constitution, the adoption or ratification of a Convention did not affect any more favourable conditions offered by law or agreement to the workers concerned.

87. The Government member of Australia agreed with the intention of Article 3, but sought clarification on the meaning of "determined". On the proposal of the Chairman, it was agreed that this matter would be referred to the Drafting Committee on the understanding that Article 14 allowed for the possibility of collective bargaining agreements to apply the provisions.

88. The spokesman of the Employer members said that there were two issues: one concerned the application of Article 14, the effect of which was reasonably clear; the second concerned the adoption of subparagraph (d). If such time were treated as hours of work, it would be difficult to enforce. A similar text had been rejected in the drafting of the STCW Convention of the IMO. He found subparagraph (d) unacceptable.

89. The Government member of India noted that collective bargaining was a continuous process and questioned whether governments had to examine each agreement. What would happen, for example, if in one case collective bargaining failed, leading to legislation, but on a subsequent occasion it was successful?

90. The representative of the Legal Adviser recalled that ratifying member States undertook to give effect to the provisions of a Convention. Under Article 14 effect shall be given by laws or regulations, except where effect is given by collective agreements, arbitration awards or court decisions. Governments have a responsibility to ensure that collective agreements do not fall below what the government has agreed to by ratifying the Convention.

91. In the hope of finding a satisfactory compromise on Article 3(d), the Government member of Australia, seconded by the Government member of New Zealand, introduced an amendment to add a new paragraph after paragraph 2 of Article 6. The amendment emphasized that the issues under discussion should be dealt with through collective agreements, monitored by governments to ensure that they satisfactorily addressed the issues. Where no collective agreements existed, governments should regulate the questions.

92. The Employer members doubted that the amendment was appropriate in relation either to issues in Article 3(d) or to the provisions of Article 14 concerning means to give effect. The concept of monitoring collective agreements

conflicted with the intention of Article 14. Moreover, it was inappropriate to have this amount of detail in a Convention, particularly concerning periods "on call".

93. Reverting to subparagraph (d) of Article 3, the Government member of the United Kingdom proposed that it be deleted. The Government member of Luxembourg, however, supported its retention and felt that the text proposed by the Government member of Australia was a good basis for discussion.

94. The Government member of Denmark proposed a subamendment to delete the first two lines of the amendment by Australia, to satisfy the Employer members, problems with the monitoring of collective agreements, and to make minor drafting changes to the remaining paragraphs. The Government member of the Netherlands opposed the deletion since the only way the competent authority could find out about collective agreements was by monitoring them. The Employer members reiterated their opposition to subparagraph (b) of the original amendment.

95. The Worker members supported the amendment and called upon governments to assume their responsibilities by maintaining the text of subparagraph (b) and subsequently ratifying the Convention.

96. The amendment as subamended, to add a new paragraph after paragraph 2 of Article 6, was adopted by 1,680 votes in favour; 1,280 votes against with 40 abstentions.

97. In light of this decision, and reverting to Article 3, the Worker members withdrew their objection to amendments to delete subparagraph (d), and withdrew their amendment to retain the text. Similarly, the Employer members supported deleting subparagraph (a) as this was now covered by the newly adopted paragraph in Article 6. These amendments were adopted.

98. Article 3, as amended, was adopted.

Article 4

99. The Government member of Australia, seconded by the Government member of New Zealand, submitted an amendment to remove unnecessary words relating to the Convention's application which would be covered by Article 14. The Worker and Employer members supported the amendment which was adopted.

100. Article 4, as amended, was adopted.

Article 5

101. Five amendments to Article 5 were submitted, including two identical amendments from the Government members of Denmark and Norway, and the Employer members, to delete the text and replace it with a new text to reflect the agreement reached during the 1994 discussions. The first amendment was withdrawn in favour of the second one.

102. The spokesman of the Worker members proposed a subamendment to replace "a basis that is different from" by "a more favourable basis than" in line 6. If this were accepted the Worker members' amendment for a new text to Article 5 would be withdrawn.

103. The spokesman of the Employer members agreed to the subamendment if a further subamendment were accepted to replace "more favourable" by "no less favourable". The proposal of "more favourable" departed too significantly from the text agreed upon in 1994.

104. Following the consideration of different proposals concerning the subamended text, the Chairman proposed a rewording of this phrase to read "on a basis not less favourable than this standard". The proposed language was accepted.

105. In explaining the Office's decision to depart from the text agreed upon in 1994, the representative of the Legal Adviser said that the term "acknowledges" created difficulties. A Convention established obligations and "acknowledges" did not illustrate the nature of the obligation and this could cause difficulties for the supervision of the Convention. The words "like that for other workers" had also been deleted because, as the Convention concerned seafarers only; other workers were outside the Committee's mandate. Other workers may or may not be covered by other conventions, and the use of such wording could create difficulties for countries which had not ratified other Conventions on hours of work. The words "procedures to authorize or register a collective agreement" had been dropped because this touched upon basic ILO principles of freedom of association and collective bargaining and could give the impression that a tripartite committee convened under the ILO's auspices endorsed government intervention in collective bargaining. Government action in regard to collective agreements needed to be limited to checking for non-conformity to minimum standards.

106. The spokesman of the Worker members insisted that the concept of "acknowledge" should be maintained, though a different word with the same meaning would be acceptable. The Office had clearly misunderstood the agreement reached in 1994. "Standard" and "like that for other workers" should also be maintained as concepts. The Worker members wanted to show that there was a commonly understood standard applicable to seafarers, who understood very well that they were confined on board a ship and did not have a straightforward work schedule of six days on, one day off. It was equally important to keep "procedures to authorize or register" to avoid the well-known situations in which unrepresentative seafarers' organizations could be established and dubious collective bargaining agreements produced to justify certain work standards.

107. The spokesman of the Employer members recalled that these matters had been widely debated in 1994 and, although there were reservations on the appropriateness of some of the language for a Convention, it had been accepted. It was well-known that ships operated on a continuous, seven-day schedule, and therefore could not possibly maintain a strict six-day work-week. The text proposed by the Employer members made it clear that there would be agreements which reflected this reality, but provided compensation. Although the first sentence of the Office text was not a problem, other parts were too prescriptive and made it difficult to establish what was an applicable regime at sea. The original text had merit in that those in the industry knew what it meant. The Committee should not introduce language which created elements of doubt as to interpretation; any such language was better suited to a Recommendation.

108. On the proposal of the Chairman, it was agreed that a common understanding of the amendment's intention existed, and that the wording would be referred to the Drafting Committee for further work. On this basis, the amendment as subamended was adopted and the Worker members' amendment was withdrawn.

109. The Government member of Cuba, speaking on behalf of the Government members of Chile and Mexico, submitted an amendment to insert after "corresponding to those of the member State in which the ship is registered" after "public holidays" in Article 5. In a multinational industry, where seafarers of many nationalities might serve on board a ship, it was important to specify which holidays. He subamended the proposal to insert "agreed upon by the parties" after "public holidays".

110. The Employer members could not accept the amendment. This was a matter to be regulated by the collective agreements in force on the ship concerned, which might not be the same as those applicable in the State in which the ship was registered.

111. The spokesman of the Worker members sympathized with the intent of the amendment to respect national diversity among seafarers. However, the amendment might create more difficulties than it solved, as it did not make clear who were the parties. The Worker members did not support the amendment, which was not adopted.

112. The Government member of Cuba introduced an amendment on behalf of the Governments of Chile and Mexico to add a new paragraph at the end of Article 5 concerning an entitlement to shore leave equivalent to accumulated rest days forgone at sea. Experience in the Latin American region showed that seafarers preferred to take accumulated rest on shore with their families rather than weekly rest on board ship. The intention of the amendment was thus to bring seafarers' conditions closer in line with those of other workers. The issue was a very real one for some countries, and if a solution was not found to the problem, it would present ratification difficulties.

113. The spokesman of the Worker members expressed sympathy with the amendment's intention, but could not accept it. Article 5 referred to a standard and was not the proper place to address issues of compensatory leave or pay.

114. The spokesman of the Employer members also could not support the amendment as it would confuse the purpose of Article 5. It might also conflict with the Seafarers' Annual Leave with Pay Convention, 1976 (No. 146).

115. The amendment was not adopted. On the proposal of the Chair, however, the Committee agreed that the working group should address this very important issue in its consideration of Paragraph 5 of the proposed Recommendation.

116. Article 5, as amended, was adopted.

Article 6

117. Fourteen amendments to Article 6 were submitted to what several speakers considered the core of the Convention. The first amendment to be considered, proposed by the Government member of the Netherlands, seconded

by the Government member of the United States, was to replace the Article with a text that, while close to the original, did not conflict with the STCW Convention of the IMO and ensured that in an average period there would be sufficient hours of rest, including compensatory leave if appropriate. Two subamendments were proposed to specify the maximum hours of work in any seven-day period that contained no day of rest, and that the minimum hours of rest in the same period should be 96.

118. The Government member of the United States agreed that it was important to allow States to take account of new developments, notably the STCW Convention of the IMO as amended in 1995.

119. The Employer and Worker members and several Government members felt that, while it was useful to have an overview, the complexity of Article 6 favoured its discussion subparagraph by subparagraph. At the request of the Chairman, this amendment, and one proposed by the Governments of Chile, Cuba and Mexico to replace paragraphs 1 and 2 which one specifying a maximum amount of overtime and a minimum amount of rest per week, were withdrawn.

120. The spokesman of the Employer members introduced three amendments to paragraph 1. The first changed the basis of calculation to a seven-day period from six in the Office text. The second amendment would delete subparagraph (a)(iii) limiting hours of work in a two-week period because its inclusion would make it impossible to operate a two-watch system, of which there were many. The third amendment was to delete subparagraph (b)(ii), setting minimum hours of rest a week, for the same reason. Watchkeepers had other duties and this provision on a two-watch ship would mean they would have no time for anything but watchkeeping.

121. The Government members of Denmark and Norway submitted an amendment that would retain only (a)(i) and (b)(i) of the Office text of paragraph 1, figures that were compatible with the STCW Convention of the IMO. It was preferable for the Convention to deal with hours of rest, with hours of work being determined by the social partners. It was essential for the Danish shipping industry to preserve the two-watch system used, for instance, on high-technology ships, that was characterized by high safety standards. An amendment that would be proposed to paragraph 3 would set very narrow limits for deviation from this provision. The Government member of the Republic of Korea agreed that too many exemptions would render the Convention meaningless and supported the deletion of the subparagraphs in square brackets.

122. The spokesman of the Worker members recalled that the only items not agreed in 1994 were the two in square brackets. He was surprised at proposals for the deletion of previously agreed text. The two-watch system had been extensively discussed in 1994 and the proposed text was flexible enough to accommodate it on short voyages. It should not cover the two-watch system used on long-haul routes, which seafarers considered to be unsafe. He opposed amendments to increase the weekly maximum to 84 hours of work and to delete the reference to maximum hours in a two-week period and noted that the existing text referred to a calendar week and to 14 days during a two-week period. The cumulative effect of long hours was the reason to reduce maximum hours from 14 in a day to 72 in a week. This was why the ILO had been asked to undertake

research on the link between long hours of work and fatigue and stress. Article 6 was the core of the safety net for seafarers that was the principal objective of the Convention. The Worker members had therefore submitted an amendment to remove the brackets in subparagraphs (a) and (b), including their provisions in Article 6.

123. Having listened to all the proposals for amendments to paragraph 1 of Article 6, the Chairman called on Government members to give their reactions. The Government member of the Russian Federation supported the 1994 agreement as the best that could be reached. His Government had recently revised its marine codes to bring them into line with these provisions.

124. The Government member of the United Kingdom pointed out that his country's legislation was based on hours of rest. He sympathized with the Worker members' viewpoints but stressed that the key issue was to achieve better safety. He agreed with other speakers about the need to be consistent with the revised STCW Convention dealing with minimum periods of rest for watchkeepers — a Convention which was widely accepted and would be widely ratified. He supported the deletion of subparagraph (b)(ii) and related amendments to bring the text into line with the STCW Convention. Such changes were necessary to arrive at a text which, if less than Worker members' expectations, remained meaningful and would be widely accepted and implemented.

125. The Government member of Germany, supported by the Government member of Luxembourg, opposed the deletions from the Office text. Some countries regulated hours of work, others regulated hours of rest; this was the reason for the compromise reached in 1994. They could not accept a proposal whereby seafarers could work up to 98 hours a week.

126. The Government member of Cuba declared that paragraphs 1 and 2 were not sufficiently flexible bearing in mind the industry's structure. Article 5 fixed normal hours of work; Article 6 should fix a limit on overtime, not work in general. There were situations on ships where there was not an obligation for the crew to work, but work had to be done. A flexible formula needed to be found to stipulate the hours that must be worked while allowing member States to make adjustments which would cover their own situation.

127. Turning to paragraph 2 of Article 6, the Employer members introduced two amendments to insert new paragraphs after it. The first amendment was designed to render the provisions on rest for watchkeepers valid for all seafarers, in line with section A-VIII/1 of the STCW Convention cited in the Office report. The second amendment was also intended to align the provisions of the Convention with sections A-VIII/1 and B-VIII/1 of the STCW Convention concerning rest period during an emergency, drill or other overriding operational condition. The amendment did not provide for a permanent exemption but would constitute a reasonable provision in the event of such conditions.

128. The Government members of Denmark and Sweden introduced an amendment to replace paragraph 3 with a text that took account of the revised STCW Convention. This amendment was identical to one submitted by the Government members of Belgium, France, Finland, Germany, Ireland, Italy, Luxembourg, Portugal, Spain and Sweden, which was withdrawn. The existing text, which everyone thought was a good idea in 1994, should also be reviewed

in the light of the vote to adopt a new paragraph to be inserted after the existing paragraph 2. There should be limits to the exemptions to rules on hours of rest, which should be in the hands of governments, not in collective agreements. The adoption of this and their earlier amendment would enable the two-watch system used on Danish ships.

129. The Worker members opposed the amendments of the Employer members and of the Government members of Denmark and Sweden. The consequences of the first of the Employer members' amendments could mean that, during a seven-day period, seafarers would be subject to several days of 18 and 14 hours of work, totalling 98 working hours in seven days. This was clearly unacceptable. When combined with this proposal, the second amendment from the Employer members could mean that seafarers would lose even their minimum rest period during an emergency situation. He noted that Part B of the STCW Convention that formed the basis of the Employer members' second amendment was only a guide. Moreover, the IMO was an intergovernmental organization and seafarers had no direct participation in the development of its instruments. A majority of the Government members who had addressed this issue did not support the Employer members' amendments. The Government members' amendment went a bit further. Bits of other instruments could not be transferred to this Convention just because they were relevant in another context. The Worker members had introduced an amendment to replace paragraph 3 with the text that was agreed in 1994, which would not conflict with the STCW Convention.

130. The spokesman of the Employer members remarked that the Worker members' amendment would be difficult to accept as it was based on too broad an interpretation of the STCW Convention text. Their amendments, however, were taken straight from the STCW Convention text, with one exception, which in fact strengthened the provision. Over 90 per cent of ships were registered in States that had ratified the STCW Convention, so these amendments should find wide support.

131. The Government members of Belgium, France, Finland, Germany, Ireland, Italy, Luxembourg, Portugal, Spain and Sweden submitted an amendment to add a new paragraph at the end of Article 6 that required the posting of a table of specified shipboard working arrangements. It was clear that there were two parts to Article 6: the technical part — and the Government member of France agreed with the Government members of Germany, Luxembourg and the Russian Federation that it was for the social partners to change it if they wished to do so. The second part, concerning exceptions, was a matter for governments. The existing text had too many possibilities for exemptions and a text closer to that of the STCW Convention was required. The amendment that he was now introducing, to post a table of shipboard working arrangements, was based on the views contained in the amendment presented by the Government members of Denmark and Sweden to find a system that would enable States to take account of the agreements between employers and workers in the first part of Article 6. The speaker attached importance to the need for tools in the form of technical provisions such as those that would permit the Convention to survive in dynamic form after its adoption. Such documents, which were posted on most ships, offered a number of advantages. They offered seafarers a clear reference point on

work organization; and their posting enabled authorities and the social partners to avoid getting lost in a maze of lists and shipowners' and captains' notes whose validity was not always assured. If applied to every job function on board ship, the proposed tables would constitute a good complement to the STCW Convention's provisions concerning watchkeeping personnel and would be in harmony with the spirit of the ISM Code. In principle, ships which conformed to the IMO Code had a work organization which would not be disturbed by such postings.

132. The Government member of Norway said the provisions contained in the amendment were too detailed. The language issue was too open-ended. Such detail was not appropriate for a Convention and would pose obstacles to ratification. The STCW Convention already dealt with the question.

133. The Government members of Italy, Panama, Spain, the Syrian Arab Republic and the United States supported the retention of the Office text in paragraph 1 and the amendment on tables proposed by ten Members of the European Union. The United States felt that the term "job" or "position" was more appropriate than "duty". This was accepted. The Government members of Panama and Spain wished to ensure that tables and lists were posted in one of the three official languages of the ILO rather than the two proposed. The Government member of Portugal proposed the use of an official language of the ILO and the language of the flag State.

134. The Employer members could accept the concept of the amendment, provided work schedules were straightforward and were in a language the crew understood.

135. The Worker members supported the amendment on tables proposed by the ten European Union members. They were also encouraged by the level of support for the Office text.

136. The Government member of the Congo agreed on the need to harmonize standards but felt that this provision could be included in Article 9 which dealt with regulations and record-keeping. This view was supported by the Government member of Malta. The Government member of France was prepared to discuss it in the context of Article 9.

137. The Government members of Australia, Canada, Egypt, the Russian Federation, Spain, the Syrian Arab Republic and the United States supported the text proposed by the Office for paragraph 3. Among the reasons advanced were that this text was sufficiently broad to cover a wide variety of situations, including two-watch ships and inland navigation; that it would be in all parties' interest to refer to national laws and practices; and, with the inclusion of the reference to the STCW Convention in the preamble of this Convention, which had already been agreed to, plus the ILO's known role in safety promotion, there was no need to spell out STCW-related provisions in this paragraph.

138. The spokesman of the Worker members noted that paragraph 3 did not explicitly cover deep-sea ships, but it could be applied to them.

139. With regard to Article 6 as a whole, the Government member of the Netherlands preferred more flexible provisions in paragraph 1, with greater restrictions in the remaining parts of the Article.

140. The spokesman for the Employer members, referring to the Workers' comments on their amendments, noted that any provisions included in the Convention would become mandatory on its adoption, irrespective of their status elsewhere.

141. The Government member of New Zealand supported the Office text for paragraph 1, in association with the Office text for paragraph 3.

142. The Government members of Australia, Egypt, Italy, Panama, Portugal, the Russian Federation and Spain supported the entire text proposed by the Office for Article 6, with the inclusion of those subparagraphs which were bracketed. The Government member of the United States supported the Office text but wished to see further discussion on subparagraph (b)(ii).

143. The Employer members did not agree to drop their amendments in favour of the original Office text while there were amendments that whittled away the safeguards that allowed trade to prosper. They could accept the Office text with the text in square brackets removed.

144. The spokesman of the Worker members was encouraged by the large number of Government comments in support of the text proposed by the Office.

145. Having listened to all the opinions on Article 6 and the amendments submitted, including the amendment introduced by the Government member of Australia and discussed in the context of Article 3, the Chairman invited a small number of representatives from each group to meet informally with him with a view to finding a compromise text for the Committee to consider. Following this meeting, the Chairman proposed a compromise "package" in the form of a revised Article 6. He believed it met the essential objectives of the Employer and Worker groups, while addressing as many as possible of the Government members' concerns. Its features included:

- eliminating the confusion over the meaning of "week" by referring to a seven-day period;
- accommodating the concerns relating to the widespread commercial practice of two-watch ships;
- the paragraph already adopted by the Committee concerning drills and periods on call, which everyone agreed was important, while hopefully improving it with a text concerning exemptions to limits;
- a paragraph on the posting of shipboard working arrangements, which had met with a large measure of support in the discussions.

146. Two points remained to be clarified in paragraph 5 — the word "duty" in the last paragraph and a subparagraph concerning languages. The proposed text, which could be considered a consolidated amendment, if agreed, would supersede all other amendments on Article 6. He invited the Committee to consider it with a view to its adoption as a whole.

147. The spokesman of the Employer members thanked the Chairman for his efforts. His group had examined closely this carefully crafted package, which had required compromises on all sides, and were prepared to accept it as it was. So long as the package as a whole was maintained, they would withdraw their amendments.

148. The spokesman of the Worker members congratulated the Chairman on his skills in achieving an important compromise. Although not everyone was happy with all of the proposals, the result was one the Worker members could accept as it stood and would withdraw their amendments if the package were adopted.

149. The Government members of Australia, Belgium, Congo, Cuba, Denmark, Egypt, France, Germany, Greece, India, the Islamic Republic of Iran, Italy, the Republic of Korea, Lebanon (including on behalf of the Syrian Arab Republic), Malta, Norway, Portugal, the Russian Federation, Spain, and Sweden congratulated the Chairman and supported his proposed amendment, subject to reaching an understanding on a suitable word to replace "duty" in paragraph 5(1) and on the use of languages referred to in paragraph 5(2).

150. The Government member of the United Kingdom believed that the proposed compromise was an encouraging development in terms of the Conference reaching agreement on a Convention text. On the basis of the compromise text, which appeared to be acceptable to the social partners, he hoped that the United Kingdom would be able to ratify the Convention. He stated that the responsible ministers would wish to consider carefully the implications of the final text and its consistency with the aim of promoting safety and with overall government policy. Their consideration would take account of the views of the social partners in the United Kingdom.

151. The Government member of the United States considered the text to be a good compromise which he hoped his Government would be able to ratify. He wished to observe, however, that its potential to operate in coordination with the IMO standard on rest hours would have to be considered by legal experts in his country. It might be helpful to consider holding a joint ILO/IMO conference to facilitate a coordinated implementation of both standards.

152. The Government member of the Netherlands was uneasy about the compromise despite its widespread support. The package maintained a choice between hours of work and hours of rest as a basis for the standard. Such a choice should offer equal levels of protection against fatigue. But when the limits in Article 6 were examined in the context of the definitions of hours of work and hours of rest in Article 2, there was a difference of 19 hours in a week between both options. He found this difficult to explain or justify in terms of labour protection. The speaker wished his concerns to be noted.

153. The Chairman saw no inconsistency and pointed out that the choice of basing limits on either hours of work or hours of rest was in the instrument from the outset in order to accommodate the different systems being used. He pointed out that the regimes in (a) and (b) had never had an identical effect and it would therefore not be appropriate to overturn the understanding of choice that had been the basis for negotiation over the years.

154. The Government member of France proposed that the term "duty" should be understood to be the choice of the ship's master, so long as all shipboard work obligations were included. The Government member of Australia proposed to replace "duty" by "day worker and watchkeeper" since all work fell into one of those categories. It was agreed that the Drafting Committee would address the issue.

155. A large number of Government members (Cuba; Denmark; Egypt; France; Greece; India; Islamic Republic of Iran; Republic of Korea; Lebanon; Libyan Arab Jamahiriya; Malta; Norway; Russian Federation; Spain; Sweden; Syrian Arab Republic) proposed a variety of subamendments reflecting their concerns about the language obligation. These included: that it would not meet the objectives of the widest possible comprehension of the posted tables by seafarers, shipmasters or those employed in ports which ships sailed to or from; would impose an unnecessary burden on shipowners or governments; would create difficulties of interpretation in the event of legal disputes; or was simply unnecessary. The following options were proposed:

- (a) to have the tables posted: in the language understood by the seafarer, or by the majority of seafarers on the ship; in the working language of the ship, and: one of the official languages of the ILO, or the language of the instrument (proposal by the representative of the Legal Adviser), or the language of the flag State; in the language of the flag State, and one or more official languages of the ILO; in one of the official languages of the ILO; in English and any other languages deemed appropriate;
- (b) to place the subparagraph in the Recommendation;
- (c) to omit reference to languages altogether.

A further amendment was offered by some Government members to eliminate "standardized".

156. The Employer and Worker members supported a proposal by the Government member of France to have the tables posted "in the working language of the ship, and in one of the official languages of the International Labour Organization".

157. The Chairman recalled his preliminary remarks that the proposed compromise was a package which must be maintained as such. He proposed that the amendment be adopted in its entirety, with the questions of "duty" and language referred to the Drafting Committee, and all other amendments should be withdrawn.

158. Article 6, as amended, was adopted.

159. An observer from the International Maritime Organization drew the Committee's attention to the fact that the limits on hours of work and hours of rest in the text it was considering were different from those specified for watchkeeping personnel in the revised International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (Chapter VIII, Section A-VIII/1: Fitness for duty). He noted that this could cause practical problems, especially in the case of port state control inspections.

Article 7

160. The Worker members introduced the first of two amendments to Article 7. The intention of their amendment was to ensure that persons under 16 could not work on a ship, although other Conventions contained lower age limits. The spokesman of the Worker members recognized that there might be a legal problem in specifying an age limit higher than that in another Convention, but this

was a fundamental issue touching upon child labour. He would want a clear opinion from the Office before the amendment was withdrawn.

161. The spokesman of the Employer members indicated that he did not wish to overturn the agreement reached in 1994, but if the legal advice went to the contrary, the position should be reviewed.

162. A representative of the Secretary-General referred to the Office report on this question and stated that the Office believed that whether young persons should work at all on a ship was outside the scope of the discussion.

163. The Government members of Germany and Japan said that their legislation was in compliance with other instruments which set a minimum age of 15 and opposed the amendment.

164. The Government members of Algeria and Uruguay explained that in their countries legislation permitted young people to be employed as trainees under very strict conditions between 16 and 18 years of age.

165. The Government members of Canada, Denmark, the Netherlands, Norway, the Russian Federation and the United States stated that the minimum age of 16 years would cause no problem as their national legislation conformed to this standard. They were more concerned with this question as a social rather than legal concern.

166. The spokesman of the Worker members did not believe that the minimum age of seafarers could not be dealt with in a Convention concerning hours of work and manning. In view of the wide support the amendment had received, it should be adopted, subject to legal advice.

167. A representative of the Legal Adviser said that the legal question was whether the amendment fell within the mandate of the Committee, which was hours of work, manning or wages. If the Committee decided that this were the case, its inclusion, if agreed, would be permissible. The Office, in drafting the text, had followed the policy signals from other Conventions and the Governing Body. The protection of children, which was included in the Preamble of the Constitution, was one of the *raison d'être* of the ILO. She quoted from the Preamble of the Minimum Age Convention, 1973 (No. 138) which addressed the establishment of a general instrument on the minimum age for admission to employment that would gradually replace the existing ones applicable to limited economic sectors. The basic minimum age in Convention No. 138 was 15 years, with an initial minimum in some circumstances of 14 years. It was in order not to conflict with this Convention that the Office had not retained a 16-year minimum age for seafarers in the draft text. If the Committee considered it was within its mandate to consider including minimum age there was no impediment to its doing so.

168. The Chairman said that the consensus in the Committee was that the minimum age of seafarers was within its mandate and the amendment was adopted.

169. The Government members of Australia and New Zealand submitted an amendment to make the beginning of the text consistent with Article 14. Following broad agreement, the amendment was adopted.

170. Article 7, as amended, was adopted.

Article 8

171. Two amendments to Article 8 were submitted. In the light of the adoption of the amended Article 6, the Government members of Denmark and Norway withdrew an amendment to replace this text.

172. The Government member of Australia, seconded by the Government member of New Zealand, introduced an amendment to add a new paragraph to ensure adequate rest for seafarers who had worked during a scheduled rest period, in order to avoid fatigue after working during an emergency.

173. The spokesman of the Employer members opposed the amendment because it was too detailed for the Convention.

174. The Worker members supported the amendment which provided the proper procedure to be adopted following an emergency. It also responded to the remaining concerns of seafarers in relation to work during emergency periods set out in Article 3.

175. The Government members of Belgium, Denmark, France, the Netherlands, Norway, Portugal and Spain supported the amendment, which was adopted.

176. Article 8, as amended, was adopted.

Article 9

177. Nine amendments were submitted to Article 9. The Employer members introduced two amendments; one which would delete the original text from the Convention, transferring it to the proposed Recommendation, and the other replacing it with a text that required record-keeping in compliance with national laws or regulations. While they had no substantive difficulty with the list of items in the original text of paragraph 2, it was too detailed and belonged in the Recommendation. There was, however, a need to ensure adequate record-keeping which would assist member States effectively to monitor and apply the Convention; hence their second amendment, which was similar to concepts proposed in other amendments to the Article.

178. The spokesman of the Worker members disagreed that Article 9 contained too much detail. There was no consideration in 1994 to amending the text. In fact, the Employer members had proposed to strengthen it. Moreover, some Government members who now wished amendments had not raised objections during the previous discussion. He recalled that the now revised Article 6, paragraph 5(1) required schedules to be posted, but schedules did not necessarily reflect the reality of the hours worked, and he provided examples to illustrate the point. Records needed to be kept too and paragraph 2 was designed to reflect that reality. Finally, what mattered most were the obligations set out in the Convention, not the flexibility afforded by the Recommendation. The objective was to protect seafarers, not to let administrative difficulties, which did not seem all that great, stand in the way of seafarers' safety. Article 9 was as essential to the Convention as Article 6. The amendment by the Employer members to offer a more flexible wording for the Article was not acceptable as it would create potential disputes between seafarers and masters over work and rest periods, particularly if no limits were set on the intervals for record-keeping.

The situation would be even more complicated where there was a multinational crew. He recommended that Employer members withdrew their amendments and the Committee accept the amendment proposed by the Worker members. There was already agreement to recognize disturbed rest periods in Article 6, and the seafarers wished to add periods of responsibility in paragraph 2 of Article 9 to redress its omission in 1994 when the text referred only to the itemizing of hours of work and hours of rest relating to activities listed in Article 3.

179. The Chairman recalled that Article 3 now dealt only with emergencies and assisting persons or ships in distress. He did not think this was the intention of Article 9, subparagraph 2(c) regarding record-keeping. The spokesman of the Employer members did not support the amendment.

180. The Government member of Japan, seconded by the Government member of the Republic of Korea, and the Government members of Cyprus, India and Malta, presented two similar amendments to ensure requirements for record-keeping were less prescriptive. They agreed with the Employer members that the original text was too detailed, stressing that greater flexibility was needed or countries would have difficulty in incorporating the provisions in their national legislation. They shared, however, the Worker members' anxiety that there should be adequate record-keeping. The Government member of India considered that, provided there was a commitment to record-keeping, the social partners could sort out the details. It was important to keep in mind the objective of a text which would enable the widest possible ratification. The Government member of the Republic of Korea said that the record-keeping was a shipowner's task, while the government's role was to supervise compliance.

181. The Government members of Denmark and Norway submitted an amendment with a similar objective — to maintain the essence of the Article, with requirements for more detailed record-keeping, while adding more flexibility. Its features included maintenance of records on board ship, regular intervals for record-keeping and records easily accessible to all with a copy to the seafarer. The second part of the amendment was designed to give the crew access to national legislation and collective bargaining agreements related to the Convention, and to take account of relevant changes that might be made in either, especially with regard to complaints procedures concerning violations.

182. The Government members of France, Belgium, Finland, Ireland, Luxembourg, Portugal and Spain, sensitive to the views of the Worker members concerning record-keeping, proposed an amendment to establish records in a standardized format which, in light of the discussions' progress, was subamended to the effect that the standard format could be one developed by the ILO or one established by the competent authority. The Government member of France suggested that the amendment could be attached either to the Office text or to the amendment proposed by Denmark, with the slight added value derived from the possibility that the competent authority would follow either the technical provisions of the Office text or use the model format also proposed by the ILO. It was also important to refer to the languages — for example, that of the flag State or one of the languages of the instrument — to be used in either an ILO-proposed format or in its guidelines. The amendment was supported by the

Government member of Tunisia who suggested the languages be the working language of the ship and the language of the flag State.

183. The Government member of Mexico, seconded by the Government member of Ireland, submitted an amendment specifying the use of the language designated by the shipowner and English. He withdrew it in favour of the decision on languages in Article 6, paragraph 5(2) proposed by the Drafting Committee.

184. The Government member of Egypt strongly supported the maintenance of records, but agreed with other speakers that more detail was contained in the original text than was necessary. This left little room for flexibility, posing ratification problems for governments who were concerned about the sanctions for eventual violations contained in Article 15. This point of view was supported by the Government members of the Lebanon and Panama. The former felt that national legislation should determine the languages in which copies of records should be kept so that all seafarers could consult them.

185. The Government member of China said that the competent authority should decide upon the methods used to monitor application of the maximum working hours and minimum rest periods. The amendments proposed by either Japan or Malta were acceptable. The Government member of Malaysia also supported the amendments either of Japan or of Malta because of their flexibility.

186. The Government member of the Russian Federation recalled the discussion and agreement on Article 6 and agreed with the importance of record-keeping. He suggested that the records could also be kept in a form approved by the Joint Maritime Commission or the Governing Body of the ILO. This subamendment was supported by the Government member of Malta.

187. The Government member of Cuba desired both good records and flexibility and supported a combination of the two amendments submitted by the Government members of Denmark and Norway, and Cyprus, India and Malta.

188. The Government member of Belgium stated that from his experience, detailed records were good for seafarers, masters and shipowners; he had no problem with the original Office text.

189. The Government member of the Netherlands declared that, although his Government had no problem with the original Office text, the amendment by the Government members of Denmark and Norway seemed to offer a good compromise. He wished two further subamendments. The first was to ensure that record-keeping allowed monitoring and compliance with the provisions set out in Article 6; and the second was to eliminate the posting of records, for reasons of privacy.

190. The Government member of Australia said that this formulation appeared to offer good scope for a compromise in the light of concerns over flexibility. He suggested a further amendment to clarify who would decide on the "intervals", which he thought should be the competent authority. He withdrew his amendment to replace "Member" by "competent authority" as this had already been taken care of. The Government members of the United States and Sweden strongly supported these proposals to eliminate unnecessary detail. They also supported the concept of the amendment proposed by France that the ILO should establish a model format.

191. The spokesman of the Worker members reiterated the importance of retaining the provisions of Article 9 in the Convention and his opposition to the relevant amendment of the Employer members. He understood the practical difficulties that some flag States might have in monitoring records, and accepted the need for a flexible approach with regard to the content of Article 9. The amendments proposed by Denmark, as further amended by Australia and the Netherlands, and the amendment proposed by France, had considerable merit as a basis for discussion. He proposed a further subamendment to that put forward by Denmark, to specify that daily and weekly records be kept and that the records be endorsed by the master or by a person authorized by the master, and by the seafarer.

192. Following informal discussions with the Officers of the Committee, the Chairman proposed two alternative compromise texts for consideration which differed only in the format of the records to be kept and the role of the competent authority. Both texts sought to incorporate as many of the concerns of governments and the social partners as possible, without entering into excessive detail which might hamper ratification and application. The texts might be strengthened by adding "by the competent authority" after "established", and "when available" after "guidelines" in paragraph 2. He foreshadowed the submission of a resolution to the Conference requesting the ILO to develop guidelines and a standardized format for record-keeping.

193. The spokesman of the Employer members agreed to the text labelled "B", with one proviso. The Employer members could also probably agree to text "A". Their problem lay with the requirement to provide a copy of records to each seafarer on ships such as passenger ships and ferries with large numbers of people boarding and leaving and where seafarers worked to a fixed roster or schedule posted in accordance with Article 6. Any tripartite working group such as the one suggested in the proposed resolution, should pay particular attention to record-keeping on ferries. If there was general agreement on one of the texts proposed and amended by the Chairman, the Employer members would withdraw their earlier amendments.

194. The spokesman of the Worker members said that his group had also examined text "B", keeping in mind earlier comments by Government members in support of Article 9 but without it containing too much detail. He noted that the text did not take account of the Worker members' amendment to include periods of responsibilities in paragraph 2(c). He suggested that as far as work on ferries and similar ships was concerned, which took place in the confines of a schedule posted in accordance with Article 6, consideration should be given to the frequency with which seafarers were provided with their records. The matter could be taken up in the working group of the Committee. If there was general support for text "A", the Worker members would withdraw their amendment.

195. The Government members of Egypt, France, Germany, Ireland, the Netherlands, Norway, Panama, the Russian Federation, Spain, Sweden and the United States supported the amended version of text "A". The amendment submitted by seven Government members was also withdrawn.

196. The Government members of India, the Islamic Republic of Iran, Japan, the Republic of Korea and the Libyan Arab Jamahiriya found text "B"

more flexible and balanced between the format developed by authorities and the one developed by the ILO. The Government member of Japan had particular difficulty if records had to be established in accordance with ILO guidelines.

197. The Government member of Australia suggested that different language was needed so that Members were not obliged to follow guidelines which did not yet exist.

198. The Chairman suggested that "taking account of" should replace "in accordance with". The Government member of Japan accepted this. The Chairman considered that delays in the development of guidelines or a standard ILO format should not slow down ratification prospects, and thereby proposed further amendments to the text of paragraph 2 to read "... shall be established by the competent authority, taking into account any available ILO guidelines or standardized format prepared by the ILO." He also reassured the Government members of the Libyan Arab Jamahiriya and the Syrian Arab Republic that "taking into account" did not have the meaning of "comply with" as had been suggested in the interpretation into Arabic, and thus should not pose a problem in the ILO Committee of Experts later on. Moreover, guidelines were not mandatory.

199. The Government members of the Islamic Republic of Iran, the Libyan Arab Jamahiriya, the Netherlands and Portugal supported the amended text, which was adopted.

200. The Government member of the United States declared that the revised STCW Convention of the IMO dealing with hours of rest was important to the United States and its provisions on mandatory rest periods were already being implemented. He did not propose to change the agreed text but stated that it was the understanding of the United States that under no circumstances would the maximum hours of work, the minimum hours of rest, or the options or exemptions thereto contained in Convention No. 109, as revised, be applied in a manner which could result in watchkeeping personnel contravening the rest period provisions of the STCW Convention of the IMO, 1978, as amended. It was the view of the United States that the IMO standards provide only limited exceptions for watchkeeping in order to avoid fatigue. The application of the revised Convention No. 109 in relation to the STCW Convention would be up to the legal experts in the United States.

201. All other amendments to Article 9 were withdrawn by their sponsors and Article 9, as amended, was adopted.

202. The Chairman said he would submit a draft resolution concerning ILO action on the preparation of guidelines and an eventual standardized format for the consideration of the Committee at a subsequent sitting.

Article 10

203. Two amendments to Article 10 were submitted. The Government member of France, on behalf of the Government members of Belgium and Portugal, introduced an amendment to have the competent authority leave a trace of the record's examination by stamping it. This appeared to be a normal practice worldwide. The sponsoring countries agreed to withdraw the second part of the

amendment which referred to Articles 6 and 9 in the light of the compromise on these Articles.

204. The Government member of the United States, supported by the Government member of France and several other speakers, preferred a word other than "stamp". The connotations of stamp duty had also been raised by the Employer members. The Chairman's suggestion to use "endorse" instead was adopted and the amendment as subamended was adopted.

205. The Government member of Mexico, seconded by the Government member of Ireland, proposed an amendment to reinforce the provision by having the activity carried out at intervals of not greater than one year.

206. The Worker members supported the amendment which would avoid excessive intervals; 12 months was an appropriate maximum interval. The Article concerned the means by which the competent authority would ensure compliance with the safety issues of the Convention. In practical terms, given the volume of daily and hourly records, examination would probably be more frequent than yearly. The Worker members were open to an appropriate subamendment on the specified limit.

207. The spokesman of the Employer members agreed with the concept, but emphasized that this should not lead to fees being imposed for endorsement, and proposed that the interval be aligned with the decision in the Committee on the revision of the Labour Inspection (Seamen) Recommendation, 1926 (No. 28) which provided for an interval of three years, but preferably one year.

208. The Government member of Egypt supported the amendment proposed by Mexico. A one-year interval was appropriate. Waiting for up to three years, for example, would be too long and difficult to ensure compliance by the competent authority.

209. The Government members of Germany and the United States supported the original Office text. In the event the period was further defined, it should be consistent with that adopted during the revision of Recommendation No. 28.

210. The Government member of the Libyan Arab Jamahiriya agreed in general with the Office text but considered that it was important for seafarers to have a definite interval period; "appropriate" was too vague.

211. The Government members of Australia, Denmark, India, Japan, the Republic of Korea, the Netherlands, Norway and the Syrian Arab Republic opposed the amendment and supported the Office text. Among the reasons cited were: the fear of too much paperwork; the need for flexibility linked to practical administrative questions, such as examining records or logbooks on land; the lack of resources in some countries to examine records on a yearly basis; and the desire to avoid that a well-intentioned amendment designed to establish a ceiling, in fact established a floor, since some countries would reduce existing requirements which were more stringent. The amendment was not adopted.

212. Article 10, as amended, was adopted.

Article 11

213. Two amendments to Article 11 were submitted, the first by the Employer members to provide more flexibility in the requirement to view the

manning of the ship. This should be carried out "if necessary". The Government member of Australia withdrew his similar amendment in favour of the Employer members' amendment.

214. The Worker members supported the intentions behind these amendments and accepted the Employer members' proposal. The amendment was adopted.

215. Article 11, as amended, was adopted.

Article 12

216. The Employer members introduced the first of two amendments to Article 12. Many ships were not required to have a minimum safe manning document as they did not come under the SOLAS Convention which covered ships engaged in international trade. The absolute requirement of the original text should be eliminated. He proposed a subamendment to delete "minimum" and add "or equivalent" after "safe manning" in line 2.

217. The spokesman of the Worker members requested more information from the Office on the SOLAS Convention and minimum safe manning documents, as he feared that some ships used several of these documents according to different needs. Depending on the information, the seafarers might reconsider their initially negative reaction to the original amendment by the Employer members.

218. An observer from the International Maritime Organization explained that with regard to IMO Assembly resolution A.481(XII) — Principles of Safe Manning, since the resolution was referred to in a footnote and therefore did not form part of the Convention and, in addition, was not referred to in the Convention itself, it was not mandatory for any ship. He also brought to the attention of the Committee the decision by IMO's Subcommittee on Standards of Training and Watchkeeping at its 28th Session (STW28) in September 1996, proposing a comprehensive review of resolution A.481(XII), subject to the approval of the IMO's Maritime Safety Committee.

219. The Government members of Malta and the Netherlands pointed out that Chapter V of the SOLAS Convention was presently mandatory and a decision had already been taken to maintain the relevant provisions even though this chapter was under review.

220. The Worker members submitted an amendment to add a subparagraph that would enable the views of organizations of shipowners and seafarers also to be taken into account by the competent authority when determining, approving or revising manning levels. This was a proper practice and was not a question of negotiation.

221. The spokesman of the Employer members disagreed. This was a safety issue which the competent authority should determine. The amendment risked safety becoming an industrial relations issue. Moreover, associations of shipowners could not dictate to individual shipowners on this issue. None the less, there should be a mechanism for getting general views on manning to administrations from time to time.

222. The Government member of Australia added that it was appropriate to negotiate over principles of safe manning standards, but not over the levels for each ship. Having shipowners' organizations sit in judgement on individual shipowners could give rise to conflicts of interest. He did not support the amendment.

223. The Government member of Egypt felt that safety and health issues were matters for the competent authority; that IMO standards should be complied with; and that reference might also be made to the Hours of Work and Manning (Sea) Convention, 1936 (No. 57) in the Preamble.

224. The Government members of Denmark, India, the Republic of Korea, Liberia, Malta, the Netherlands, the Russian Federation, Sweden and the United Kingdom opposed the amendment. They felt that the IMO standards, rules and complaints procedures should be complied with. The amendment, moreover, could lead to negotiations on this issue which was not acceptable. Regulation of safety was the domain of the competent authority and not the social partners.

225. The spokesman of the Worker members expressed his disappointment that Government members felt that the experience and knowledge of professional seafarers was irrelevant in determining safe manning levels. Nothing in the Worker members' amendment suggested that negotiations would take place. However, in view of what had been achieved in Article 6, governments would most likely have to take the operational needs of ships into account when reviewing manning levels. Such reviews might arise as a result of violations of Article 11, although he was concerned over a possible revision downward of the minimum safe manning levels in the amended Article. The spokesman reluctantly recognized the feeling of the Committee that governments knew more about safe manning levels than seafarers did and, although he did not accept this, he withdrew the amendment.

226. Article 12, as amended, was adopted.

Article 13

227. The Worker members submitted two amendments. The intention of the first was to reverse the order in the title of Part IV of the Convention to reflect more accurately the responsibilities of shipowners and masters. It was adopted. The second amendment was designed to refer to the shipowner not the master in the text since the former was responsible for manning and the competent authority monitored compliance. Once a ship sailed, however, the master was responsible for the crew's deployment. It was important that the basic responsibility of the shipowner for ensuring appropriate manning levels was recognized in the Convention.

228. Regarding the second amendment, the spokesman of the Employer members noted that Article 13 had resulted from a carefully crafted compromise in the 1994 discussion and this was the most appropriate text. The master was the line manager for the shipping company, exercising day-to-day control. It would be improper to detract from his authority by excluding reference to him. By way of compromise, he proposed to add "including the manning of the ship," after "resources" in line 3. The reference to master in the first sentence would be retained, reflecting areas for which he was properly responsible.

229. The Worker members felt that the subamendment was helpful in recognizing that the shipowner was responsible for providing the necessary resources, including manning, so that the master could discharge his responsibilities. Provided the Government members were happy that it was the master not the government who was responsible for compliance, the Worker members would support the subamendment. Government members agreed and the amendment as subamended was adopted.

230. Article 13, as amended, was adopted.

Article 14

231. Article 14 was adopted.

Article 15

232. Article 15 was adopted.

233. The Government member of the Netherlands withdrew his proposed amendment to add a new Article after Article 15.

234. The Worker members introduced an amendment to insert a new article after Article 15. The purpose of the new text was to ensure that each Member that had ratified the Convention applied its provisions to foreign flag ships calling at its ports. The spokesman of the Worker members was aware that this matter had been discussed with some success in the Committee dealing with the revision of the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147). The Worker members had revised their objectives in the light of that discussion and of the discussion in this Committee. The latter had been characterized by a level of tripartite cooperation that had exceeded expectations. On the basis of the fine work in this Committee and in the expectation that the new Convention would be widely ratified, the Worker members withdrew their amendment.

235. The Chairman associated himself with the spokesman's opinion of this Committee's work and said that the high degree of common purpose was an encouraging pointer to wide ratification.

Article 16

236. The Worker members, concerned about the final sentence of the Office text which did not reflect the conclusions of the meeting in 1994, submitted an amendment to replace the text of the Article with one that addressed the difficult question of the fate of the existing Convention No. 109 once the revised Convention entered into force. Although the Convention No. 109 of 1958 had not yet entered into force, 15 countries had ratified it, including eight of the nine that were required for it to enter into force. A ratification by one of the remaining specified countries would result in the Convention coming into force. Convention No. 109 included, in Part II, the wages aspects that were being dealt with in a draft Recommendation by this Committee. Several countries that had ratified Convention No. 109 had incorporated its provisions on wages in their national legislation. Seafarers were concerned that, following the entry into force of the Convention revising Convention No. 109, which did not include wages, countries that had wages legislation as a result of their ratification of Convention No. 109 could revise their position on wages and remove the safety net that seafarers

currently enjoyed. If adopted, the Worker members' amendment would cancel the obligations concerning manning and hours of work in the 1958 version of the Convention, but would retain the obligation concerning wages for countries having ratified it. The amendment would have no impact on States that had not ratified the earlier instrument. The Office text would deny the entry into force of a Convention that required just one more specific ratification. Moreover, it had the potential to remove the safety net of minimum wages that already protected seafarers in some countries. The Worker members had discussed the form and procedural aspects of this amendment with the legal service of the Office and sought its advice on the legal implications.

237. The Employer members welcomed the prospect of legal advice since the impact of the amendment was not clear to them. Their initial reaction was that the proposed amendment referred to Conventions that ranged from 36 to 60 years old, and which had much reduced relevance today. They were the fruit of unsuccessful attempts to deal with the issues in a single instrument. The old instruments should be disposed of; the Office text provided the means to do this.

238. The Chairman said there were two important questions to be answered: was it necessary to close the existing instruments to ratification? and did the existing Convention No. 109 (1958 revision) provide the protection for wages that the Worker members were seeking if it were to come into force?

239. A representative of the Legal Adviser said that Article 32 of Convention No. 109 of 1958 provided that —

should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides ... the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, ... , if and when the new revising Convention shall have come into force.

Thus by its own terms, the old Convention would cease to be open to ratification upon the entry into force of the new one under discussion, but it would remain in force for those that had ratified it but not the new one. That text had been inherited and was a standard formulation adopted by the International Labour Conference, but it was within the Committee's power to "otherwise provide". This was what the Worker members were proposing. Convention No. 109 and its predecessors had never entered into force, so that none of them had been closed off. If they were not closed to ratification they could still enter into force. The speaker referred to article 19(8) of the ILO's Constitution that stated that in no case would the adoption of any Convention or Recommendation or its ratification be deemed to affect any law, award, custom, or agreement which ensured more favourable conditions to the workers concerned. Thus, neither Convention No. 109 nor the revised version being discussed at this Conference would undermine existing national law, which was determined by the country concerned. At the international level, Convention No. 109 could only have legal effect once it had entered into force. The calculations of the basic pay or wages for a calendar month of service of able seamen by the JMC, as a result of other decisions of the ILO's Governing Body, was done on the basis of Recommendation No. 109. The revised Recommendation that was being considered would, on adoption, give another legal basis for this. Adoption of the Worker members' amendment was legally possible and it was up to the Committee to decide if it was desirable. If

the old Conventions were left open to ratification, countries that had ratified Convention No. 109 which ratified the new Convention, would be faced with two international instruments dealing with hours of work and manning. The Worker members' amendment had been drafted to avoid this possibility. If this amendment were adopted, there would be some legal tidying up to do because Convention No. 109 provided for a country ratifying it to exclude acceptance of Part II on wages; Convention No. 109 would thus need further revision to let Part II stand on its own.

240. The spokesman of the Worker members noted that with one more ratification there would be an international instrument in force that protected seafarers' minimum wages. He wondered what disadvantages there could be if, when the 1996 revision of Convention No. 109 came into force, it cancelled the obligations on hours of work and manning in the 1958 version. Countries that had not ratified it would be unaffected; those that had would take on the new obligations. Leaving Part II on wages of the 1958 version open to ratification would ensure much needed minimum wage protection for some seafarers.

241. The Government member of the Russian Federation regretted that there had been no clear response from the representative of the Legal Adviser to the questions posed by the Chairman. He supported the view of the Employer members that the failure of the 1958 revised Convention No. 109 to come into force after 38 years was a good reason for retaining the Office text. Moreover, the adoption of the amendment would jeopardize ratification of the new Convention, including by his country.

242. The Chairman noted that even if Convention No. 109 were to enter into force, the protection if offered concerning the level of seafarers' basic wages would be below that provided in the Recommendation that was being discussed which, when adopted, would become the minimum standard for seafarers' pay. The representative of the Legal Adviser had confirmed this. He considered there was a consensus in the Committee that the Office text should be retained and wondered if the Worker members were prepared to withdraw their amendment.

243. The spokesman of the Worker members was pleased that the amendment had focused the Committee's attention on the important issues that it had raised. He was aware that the Employer and Government members had given the matter careful consideration and he was grateful for this. He was not, however, convinced of the Chairman's argument about the level of wages, because the figure would continue to be updated. He stressed that in the future, when a Convention was being revised at Maritime or similar Conferences, the explanatory notes provided by the Office should clearly indicate the impact of the closing of a Convention to ratifications on those who enjoyed the protection it afforded, and on the legislative procedures that had been put in place as a consequence of ratification. Advance notice of any impact would enable the social partners to take the necessary steps to minimize it. The Worker members withdrew their amendment.

244. The Chairman said that the Worker members had made a substantive point. He hoped that in the light of the passage of time since the adoption of Convention No. 109 in 1958 and as a result of a new, broadly acceptable, instrument that would be widely ratified, the protection of seafarers' minimum

wages would be assured. He felt it was prudent to adhere to the Office text and agreed that the last point made by the Worker members should be systematically addressed by the Office at subsequent Conferences.

245. Article 16 was adopted.

Article 17

246. The Worker members had submitted an amendment to replace Article 17 with a text that enabled the Convention to come into force 12 months after it had been ratified by two Members. In the light of their comments concerning their amendment to insert a new article after Article 15, the Worker members withdrew their amendment.

247. Article 17 was adopted.

248. The Convention, as amended, was adopted.

A proposed Recommendation concerning seafarers' wages and hours of work and the manning of ships

249. The Chairperson of the working group established by the Committee to examine the draft Recommendation reported that the working group had met four times to discuss the 25 amendments to the Recommendation that had been submitted plus an amendment to Article 5 of the Convention that the Committee had decided should be discussed in the context of the proposed Recommendation. As a result, the group had produced a consolidated amendment to the original Office text. It was in the form of a package comprising a well-balanced set of solutions that had been arrived at after hard bargaining and compromise in the true spirit of the ILO. Each element in this fragile packet had its own special significance. She strongly urged the Committee to adopt the revised text as a package.

250. She then proceeded to present the working group's proposals for each of the Paragraphs of the draft Recommendation, describing the action taken on each of the individual amendments.

Preamble

251. The Preamble was adopted.

Paragraph 1

252. Paragraph 1 was adopted.

Paragraph 2

253. The Chairperson of the working group noted that five amendments to this Paragraph had been submitted. The text proposed for 2(a) was a combination of the Office text and an amendment proposed by the Employer members to define basic pay or wages. The Office text had been retained for 2(b). An amendment introduced by the Employer members formed the basis of a revised Paragraph 2(c) which defined "consolidated wage". An amendment submitted by the Worker members was not adopted. The Office text had been retained for 2(d). An amendment from the Worker members to delete 2(e) was not adopted, but the Office text had been changed by replacing the definition of "hours of rest" with

one of "overtime". The Office text was retained for 2(f). The new text of 2(g) that the working group proposed was based on an amendment from the Employer members that established a definition of shipowner in line with that adopted in the Convention.

254. The Employer and Worker members and the Government member of the United States endorsed the working group's proposals for Paragraph 2.

255. The Government member of the Russian Federation considered the new text of the Recommendation to be well-balanced and a basis for collective bargaining. The number of amendments from the Employer members was an indication of the importance of the question of wages. He was nevertheless preoccupied with the loss of the "hours of rest" definition in Paragraph 2 and its replacement by a definition of "overtime", particularly since the Recommendation was a significant instrument in its own right. Moreover, the overtime provision no longer clarified whether it was daily, weekly or monthly, a point which had previously been included in Paragraph 3(b). He suggested that the Committee should proceed cautiously in its discussions and not take a hasty decision.

256. The Government member of Tunisia supported the consensus of the working group, but agreed with the Government member of the Russian Federation that it would be useful to retain the hours of rest definition in order to clarify both hours of work and of rest, and to keep the original definition of overtime.

257. The Government member of Australia pointed out that a definition of hours of rest was no longer necessary, since the Recommendation no longer regulated this matter. The Chairperson of the working group recalled that the definition of hours of rest had originally been included because Paragraph 4(a) of the Office text mentioned it. This idea was now in the Convention — a more powerful instrument — and she proposed that the definition of hours of rest be dropped in the Recommendation, since it was covered in the Convention. Although "per day" in terms of overtime had disappeared from the text supported by the social partners, the speaker pointed out that the means to calculate overtime was included in Paragraph 3(c).

Paragraph 3

258. The Chairperson of the working group recalled that five amendments had been submitted to subparagraphs (c), (d) and (e). The Office text of the first sentence and of 3(a) had been kept. The definition of overtime had been included in Paragraph 2 resulting in the deletion of 3(b). A new text, which incorporated parts of the Employer and Worker members' amendments, was proposed for 3(c) to clarify the calculation of overtime, as previously noted. The square brackets in the Office text of 3(d) had been removed and the Employer members' amendment and one from the Worker members to have the lower limit for overtime as one and-a-half times the basic pay were not adopted. The Employer members' amendment to delete 3(e) was not adopted and the Office text was retained.

259. Paragraphs 2 and 3, as amended, were adopted.

Paragraph 4

260. The Chairperson of the working group noted that six amendments to this Paragraph had been submitted. Subparagraph (a) was deleted in accordance with amendments submitted by the Employer and Worker members. By removing any reference to hours of rest in the Recommendation, the need for a definition had fallen away. The Office text of 4(b) was retained. Subparagraph 4(c) which defined hourly overtime rates had been modified, partly in accordance with an amendment submitted by the Employer members. An amendment from the Worker members specifying higher overtime rates was not adopted. An amendment by the Employer members to delete 4(d) was not supported and the Office text was retained. The working group agreed to a new subparagraph 4(e) on consolidated wages that was based on an amendment submitted by the Worker members and subamended.

261. Paragraph 4, as amended, was adopted.

Paragraph 5

262. The Chairperson of the working group informed the Committee that the amendment to this Paragraph, submitted by the Government members of Chile, Cuba and Mexico, had been withdrawn. The Government member of France understood that "additional leave" meant "additional paid leave".

263. Paragraph 5 was adopted.

Paragraph 6

264. The Chairperson of the working group noted that three amendments to the Paragraph had been submitted. Two similar amendments from the Employer members and the Government members of India and Indonesia to insert a new subparagraph dealing with special factors concerning manning levels after 6(a) were not supported, but they were considered in the context of Paragraph 8. The working group had agreed to retain the Office text, with the addition of a new subparagraph after 6(d) that concerned penalties in case of undue delay in wage payments. Following considerable discussion on this matter this text was drafted by the working group on the basis of the Protection of Wages Convention, 1949 (No. 95).

265. The Government member of India was of the view that any delay in the payment of dues to seafarers should be avoided. The present wording seemed to oppose only undue delay, implying that some delay would be acceptable. He therefore proposed to amend the last part of the new subparagraph. In the light of some doubt whether the text reflected the intention that had been agreed it was restructured at the suggestion of the Worker members.

266. Paragraph 6, as amended, was adopted.

Paragraph 7

267. The Chairperson of the working group said that the amendment to the Paragraph submitted by the Employer members to delete the text in square brackets had been agreed. The Worker members added that this agreement was based on the remarks and clarification given by the Office.

268. Paragraph 7, as amended, was adopted.

Paragraph 8

269. The working group had considered two amendments to the Paragraph. One from the Employer members to delete Part III was not supported. The working group had decided to retain the Office text for 8(1) and (3). The group proposed a revised text for 8(2)(a) which incorporated the intentions of amendments to Paragraph 6 that concerned special factors relating to manning levels submitted by the Employer members and by the Government members of India and Indonesia and a similar amendment from these Government members concerning Paragraph 8.

270. Paragraph 8, as amended, was adopted.

Paragraph 9

271. The Chairperson of the working group recalled that there was one amendment to the Paragraph, from the Employer members, to modify the definition of "able seaman". Following a long discussion the working group agreed a text that combined elements of the Office text and the amendment.

272. Paragraph 9, as amended, was adopted.

Paragraph 10

273. As no amendments had been received, the Chairman proposed that Paragraph 10 be adopted. The Government member of the Libyan Arab Jamahiriya noted that the Committee had spent long hours on the subjects of working hours and rest, but very little time on wages, the most common cause of disputes between shipowners and seafarers. Emphasizing his concern for the interests of seafarers, he questioned the use of the US dollar as the unit of currency used to express the monthly minimum wage since it was declining in value relative to other currencies leading to a loss of purchasing power for seafarers. He wondered if another currency, such as the Swiss franc, could be used.

274. The Government member of Cuba recalled that he had raised this point in the working group and requested that language similar to that formerly used in Convention No. 109 or in Convention No. 93 be employed to make the text more flexible and universal. Accordingly, it could read "not lower than the equivalent of US\$385". This was an important concern since, according to legislation in Cuba, wages were paid in the national currency and this was probably the same for most countries. His suggestion would realign the text with that agreed in 1994. The Government members of Egypt and Uruguay agreed that the addition of such language added an element of clarity to the text. Mention of "local currency" could also be considered.

275. The Chairperson of the working group agreed that the point had been discussed in the working group. She pointed out, however, that the JMC in 1994, after the Tripartite Meeting, had recommended that the minimum basic wage figure of able seamen should be presented in US dollars only.

276. A representative of the Secretary-General referred to the text of the existing Convention No. 109, which included reference to "equivalent". Equivalence had not been included in the text agreed upon at the 1994 meeting, but this may have been an omission rather than the result of a decision. He

reminded the Committee that the US dollar amount cited was periodically updated by a decision of the JMC based on various criteria affecting wages and purchasing power.

277. The Worker and Employer members agreed to the Chairman's proposal to insert "the equivalent of" before "US\$385", but the spokesman of the Worker members recalled that no amendments had been submitted to this paragraph but it was being discussed. The Chairman stated that the adoption of this paragraph was properly before the Committee.

278. The Government member of the Libyan Arab Jamahiriya said that the question was one of fluctuating exchange rates, particularly the depreciation of the US dollar, which disadvantaged seafarers when they received less money in their pay packets.

279. Paragraph 10, as amended, was adopted.

Paragraph 11

280. The working group had considered the one amendment to the paragraph submitted by the Employer members and had decided on a new text which incorporated it.

281. Paragraph 11, as amended, was adopted.

Paragraph 12

282. Paragraph 12 was adopted.

283. The Recommendation, as amended, was adopted.

Examination of draft resolutions

284. The Committee had before it three draft resolutions on the application of the revised Convention No. 109.

285. The Chairman submitted the draft resolution he had referred to in the context of reaching agreement on Article 9 of the draft Convention. The draft resolution was seconded by the Employer members. The resolution, which called on the Conference to request the development by the ILO of the guidelines and standard format referred to in Articles 6 and 9, was adopted unanimously.

286. A second, similar resolution submitted by the Government members of France, Italy and Spain was withdrawn in the light of the foregoing adoption.

287. The Government member of the United States, seconded by the Government member of Denmark, submitted a draft resolution concerning IMO/STCW Convention of 1978, as amended, and the application of revised Convention No. 109. The United States Government believed that it was necessary at this time to provide clarification between the revised Convention No. 109 and the new IMO standards concerning minimum rest periods for seafarers, with a view to ensuring the most effective interpretation of the two instruments that would lead to the most salutary impact on safety at sea. The view of the United States Government was that the revised Convention No. 109 agreed to by this Committee was an excellent measure which had a broader scope than the IMO instrument. The STCW Convention of IMO was a critical floor below which rest hour assessments must not be allowed to go. It was also his

Government's strong belief that this resolution would serve very well all administrations and industry organizations in their common objective to ensure maritime safety throughout the world.

288. The Government member of Denmark said that the draft resolution was crucial since it met her Government's concerns about Article 6. A vast majority of member States had ratified the STCW Convention and the resolution made it clear that minimum standards for hours of rest could not be less than those it stipulated for watch keeping personnel.

289. The Employer members wholeheartedly supported the draft resolution, which added a valuable degree of clarification.

290. The Worker members had noted the concerns of Government members who had not wanted to see the provisions of the STCW Convention undercut in any way. The spokesman of the Worker members also appreciated concerns that had been expressed about flexibility in hours of work and hours of rest limitations. Flexibility did not extend to providing a level of protection less than that in the STCW Convention. The Worker members fully supported the draft resolution.

291. Upon learning of the draft resolution submitted by the Government of the United States, many countries, including France, seconded the resolution. Indeed, the STCW Convention had been mentioned frequently during the debate on the revision of Convention No. 109. The discussion of this subject, coupled with a synoptic reading of these two texts, had cleared up a number of questions. The resolution submitted by the United States helped to dispel the last remaining reservations which certain delegations might still have had regarding the compatibility of the two instruments.

292. A large number of Government members (Chile, Belgium, Brazil, France, Germany, Greece, India, Islamic Republic of Iran, Italy, Republic of Korea, Netherlands, Norway, Portugal, Russian Federation, Spain and Sweden) spoke in favour of the draft resolution which they believed was timely and provided clarification of Article 6.

293. The resolution was adopted unanimously.

Consideration and adoption of the report

Consideration of the report

294. The Committee considered its draft report at its 14th sitting.

295. Corrections to specific paragraphs were submitted by various members for incorporation in the report.

Adoption of the report

296. At its 14th sitting the Committee unanimously adopted its report subject to a number of changes.

297. The Reporter informed the Committee of the changes the Drafting Committee recommended be made to the texts of the proposed Convention and Recommendation that had been adopted by the Committee and were submitted to the Drafting Committee for consideration. Turning first to the proposed

Convention, the Reporter noted that, for the most part the Drafting Committee had only made minor drafting changes and changes to cross-references to reflect any reordering of the paragraphs that took place. For the purposes of his report minor changes such as these would not be dealt with in detail and such paragraphs could be considered to be unchanged. He also drew the Committee's attention to several minor omissions in the text that would be corrected by the Office before the draft Convention was put before the plenary sitting of the Conference.

298. In the Preamble, the title had been changed to the "Seafarers' Hours of Work and the Manning of Ships Convention, 1996". This was to remove an ambiguity since it was only the "hours of work" that related to seafarers; "manning" related to the ship. As a consequence of this change, the word "revised" was omitted because the title of the Convention was now different from the one it replaced. Articles 1 and 2 were not changed. The contents of the former Article 3 were transferred to the former Article 8. The reason for this decision was a recognition by the Drafting Committee that the activities required by the master of a ship in an emergency were such that only the master could be in a position to determine how they were to be treated with respect to hours of work or hours of rest. The competent authority would not be in a position to make a general determination as to how these activities should be treated in any given emergency situation. A consequence of this decision was that all Articles from Article 3 to Article 11 were renumbered. Article 3 was unchanged. In Article 4, on the matter of authorization or registration of collective agreements, the Drafting Committee recommended it be noted that it was the Committee's understanding that a Member having procedures to authorize or register the provisions on seafarers' working hours in a collective agreement should not be interpreted in a way that would involve interference with free collective bargaining. In Article 5, paragraph 7 (the former Article 6, paragraph 5(1)) the words "schedule of service at sea and service in port" were changed to "the schedule of service at sea and in port". The Drafting Committee noted that it was the schedule of the service of the seafarers on the ship that was referred to, not the service of the ship itself. The question of languages that the Committee had passed to the Drafting Committee resulted in long and careful consideration of a range of alternatives that had been suggested during the Committee's discussion of this point. The Drafting Committee concluded that the most effective provision to meet the needs of seafarers on a ship would be to require the table of working arrangements to be in the working language or languages (if there were more than one) used on the ship, and in English. This approach had the additional advantage of being broadly consistent with the STCW Convention, which required certificates to be in the official language of the issuing country and in English (if English was not the official language of the issuing country). This provision was not intended to inhibit a flag State from requiring any additional languages, such as that of the flag State itself if the flag State's language was not already one of the working languages of the ship. The Drafting Committee decided that since the text of the former Article 7 that the Committee adopted covered two entirely separate and very important topics — the minimum age for working on a ship, and work at night by young seafarers — it was appropriate to deal with them in separate Articles. Accordingly, the Drafting Committee deleted "No person under 16 years shall work on a ship" from Article 6 and made it a separate Article

(Article 12). The first paragraph of Article 7 combined the emergency situations set out in the former Article 3 with the opening words of the former Article 8 the Committee adopted. It had, however, been necessary to make two significant changes to the text to make the intention clear. The phrase "require a seafarer to perform work necessary for the safety of the ship" had been changed to "require a seafarer to perform any hours of work necessary for the safety of the ship". This subtle, but important, change correctly gave the master only powers to require a seafarer to perform additional hours of work in an emergency situation. This Convention was about hours of work and hours of rest and was not intended to reflect on the type of work that a seafarer might be called on to perform in an emergency or at any other time. A second change was the removal of "when the ship is in danger" since there would be situations when the safety of a person was in danger. Article 8 was unchanged. Article 9 was unchanged, the Drafting Committee having agreed that "endorsed" was the most appropriate word to cover the process of an inspector examining the records and either endorsing them as satisfactory or not as the case may be. Articles 10 and 11 were unchanged. Article 12 contained the text concerning minimum wage that was originally in the first part of the former Article 7. Articles 13 to 17 were unchanged. The Reporter recommended that the Committee adopt the text of the Convention as amended by the Drafting Committee.

299. The Government members of the Russian Federation and Tunisia drew attention to errors in the translation in the Russian and Arabic versions respectively.

300. The text of the proposed Convention was adopted unanimously.

301. Turning to the Drafting Committee's consideration of the text of the proposed Recommendation, the Reporter said that the Drafting Committee had not suggested any substantive changes to the Preamble and to Paragraph 1 through Paragraph 9. In Paragraph 10, the Committee would recall that the draft text developed by the working group was amended in the Committee to include the word "equivalent" before the United States dollar amount, to reflect the fact that seafarers did not generally receive their wages in US currency. The Drafting Committee realized that the resulting text was ambiguous because it could also mean the equivalent exchange rate that applied on 1 January 1995, or the exchange rate that applied when the wages were paid (for those seafarers whose pay was quoted in US dollars) or when a new collective agreement was drawn up (for those seafarers whose pay is quoted in another currency). Moreover, the rate noted in this paragraph was not a standard rate of pay for seafarers. It was simply a minimum figure. In practice, the rate of pay that would apply to any seafarer would be that specified in the employment contract, and this contract would also specify the currency to be used. The Drafting Committee therefore decided to change the order of sentences within this paragraph in order to remove the emphasis on the amount quoted (US\$385) as of 1 January 1995 and make it clear that it is the amount set periodically by the Joint Maritime Commission which determined the rate of pay or wages of seafarers. The amount of US\$385 was referred to at the bottom of the paragraph as a factual statement. The JMC did set the minimum basic pay or wages for able seamen on 1 January 1995, and it was set in United States dollars. Presumably the JMC could set this amount in

another currency at a future date if it wished, just as it used to set it in United States dollars and pounds sterling. Paragraphs 11 and 12 were unchanged. The Reporter recommended that the Committee adopt the text of the Recommendation as amended by the Drafting Committee.

302. The Government member of Cuba felt that the wording of Paragraph 10 should reflect the agreement reached in the Committee when it considered the text submitted by the working group — and “the equivalent of” should be included in order to ensure that each country could pay seafarers’ wages in its national currency. The Government member of the Libyan Arab Jamahiriya agreed and did not want a text to be adopted that was different from that agreed to by the Committee.

303. The spokesman of the Employer members said his group had considered this paragraph carefully and noted that it needed to be read in conjunction with Paragraph 6(c) which required that seafarers be paid in legal tender. Thus, in countries other than those whose currency was the United States dollar, seafarers would be paid in their national currency.

304. The spokesman of the Worker members recalled the Reporter’s explanation of the Drafting Committee’s proposals for this paragraph. There was nothing in Paragraph 10 to say that wages had to be paid in United States dollars. The importance of Paragraph 10 was that it set a rate, which was currently US\$385. He agreed with the spokesman of the Employer members that it was helpful to look simultaneously at Paragraph 6(c). The Worker members supported the Drafting Committee’s proposal and wished to see Paragraph 10 as presented in the document before the Committee.

305. The Chairman also felt that the reference to Paragraph 6(c) was useful in ensuring that the payment of seafarers’ wages was in national currency. A reading of the Report and the Recommendation would leave no doubt over the sense of Paragraph 10.

306. The Government member of Cuba was reassured that, in the light of the foregoing discussion, the payment of seafarers in his country could be carried out as it had in the past.

307. The text of the proposed Recommendation was adopted unanimously.

308. The Committee adopted two proposed resolutions: on the application of the Seafarers’ Hours of Work and the Manning of Ships Convention, 1996; and concerning IMO/STCW Convention of 1978, as amended, and the application of the Seafarers’ Hours of Work and the Manning of Ships Convention, 1996.

309. The Chairman recalled that Convention No. 109 had had a troubled history but the work of this Committee and the consensus it had demonstrated would prove to be a watershed in the adoption of a comprehensive instrument that was practical and ratifiable. The high degree of consensus that had been sustained throughout the discussions was due to the efforts of all delegates in working together and in understanding each other’s point of view. The discussion and adoption that had just concluded was a fine illustration of the ILO’s principles of tripartism at work. The spokesmen of the Employer and Worker groups had been eloquent in putting their case throughout the proceedings, due in no small part to the knowledge and experience of the members of their groups. The work of this

Committee, provided it led to the widespread adoption of the new Convention would prove to be of benefit to all those in the shipping industry. He thanked all members of the Committee for their support and thanked the Secretariat which had worked hard to provide the support for the Committee's work.

310. The spokesman of the Employer members said that the work of the Tripartite Meeting in 1994 had provided a good basis for the Committee's work. Nevertheless, there had still been much for this Committee to do to produce the two realistic instruments that he believed warranted widespread support. All parties had worked hard to achieve this fine result and, in doing so, had made significant compromises; they were to be congratulated for this. He thanked the Workers' group and the Government members for the constructive role they played throughout, the Reporter for his diligence on behalf of the Committee, and the Secretariat, particularly the representative of the Legal Adviser, for its assistance.

311. The spokesman of the Worker members echoed the congratulations for a job well done. The final result of the Committee's work would appear once the new Convention came into force. The Government members who had contributed so much to the development of a safety net for seafarers had to ensure that their administrations followed through by ratifying the Convention. The positive approach by all members of the Committee and the willingness to understand seafarers' problems and work towards a solution to them had contributed to a successful meeting. He thanked the Employer members for their collaboration during the discussion and in thanking the Government members he said that he had rarely encountered such a positive approach in negotiations on important matters such as these. He paid tribute to the members of the Workers' group who had advised and supported him throughout and thanked the Reporter for his work in the Drafting Committee, the representative of the Legal Adviser and the Secretariat.

312. The texts of the proposed Convention, the proposed Recommendation and the proposed Resolutions are produced below.

313. The report of the Committee and text of the proposed Convention, the proposed Recommendation and the proposed Resolutions are submitted to the Conference for consideration.

Geneva, 21 October 1996.

(Signed) Mr. D. HOLMES,
Reporter.

A. Proposed Convention concerning seafarers' hours of work and the manning of ships

The General Conference of the International Labour Organization,
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighty-fourth Session on 8 October 1996, and,

Noting the provisions of the Merchant Shipping (Minimum Standards) Convention, 1976, (No. 147) [and the Protocol of 1996 thereto]; and [the Labour Inspection (Seafarers) Convention, 1996], and

Recalling the relevant provisions of the following instruments of the International Maritime Organization: International Convention for the Safety of Life at Sea, 1974, as amended; the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended; Assembly resolution A481(XII) (1981) on Principles of Safe Manning; Assembly resolution A741(18) (1993) on the International Code for the Safe Operation of Ships and for Pollution Prevention (International Safety Management (ISM) Code); and Assembly resolution A772(18) (1993) on Fatigue Factors in Manning and Safety, and

Recalling the entry into force of the United Nations Convention on the Law of the Sea, 1982, on 16 November 1994, and

Having decided upon the adoption of certain proposals with regard to the revision of the Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958, and the Wages, Hours of Work and Manning (Sea) Recommendation, 1958, which is the second item of the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

adopts, this day of October of the year one thousand nine hundred and ninety-six, the following Convention, which may be cited as the Seafarers' Hours of Work and the Manning of Ships Convention, 1996.

PART I. SCOPE AND DEFINITIONS

Article 1

1. This Convention applies to every seagoing ship, whether publicly or privately owned, which is registered in the territory of any Member for which the Convention is in force and is ordinarily engaged in commercial maritime operations. For the purpose of this Convention, a ship that is on the register of two Members is deemed to be registered in the territory of the Member whose flag it flies.

2. To the extent it deems practicable, after consulting the representative organizations of fishing-vessel owners and fishermen, the competent authority shall apply the provisions of this Convention to commercial maritime fishing.

3. In the event of doubt as to whether or not any ships are to be regarded as seagoing ships or engaged in commercial maritime operations or commercial maritime fishing for the purpose of the Convention, the question shall be determined by the competent authority after consulting the organizations of shipowners, seafarers and fishermen concerned.

4. This Convention does not apply to wooden vessels of traditional build such as dhows and junks.

Article 2

For the purpose of the Convention:

- (a) the term "competent authority" means the minister, government department or other authority having power to issue regulations, orders or other instructions having the force of law in respect of seafarers' hours of work or rest or the manning of ships;

- (b) the term "hours of work" means time during which a seafarer is required to do work on account of the ship;
- (c) the term "hours of rest" means time outside hours of work; this term does not include short breaks;
- (d) the term "seafarer" means any person defined as such by national laws or regulations or collective agreements who is employed or engaged in any capacity on board a seagoing ship to which this Convention applies;
- (e) the term "shipowner" means the owner of the ship or any other organization or person, such as the manager or bareboat charterer, who has assumed the responsibility for the operation of the ship from the shipowner and who on assuming such responsibility has agreed to take over all the attendant duties and responsibilities.

PART II. SEAFARERS' HOURS OF WORK AND HOURS OF REST

Article 3

Within the limits set out in Article 5, there shall be fixed either a maximum number of hours of work which shall not be exceeded in a given period of time, or a minimum number of hours of rest which shall be provided in a given period of time.

Article 4

A Member which ratifies this Convention acknowledges that the normal working hours' standard for seafarers, like that for other workers, shall be based on an eight-hour day with one day of rest per week and rest on public holidays. However, this shall not prevent the Member from having procedures to authorize or register a collective agreement which determines seafarers' normal working hours on a basis no less favourable than this standard.

Article 5

1. The limits on hours of work or rest shall be as follows:

- (a) maximum hours of work shall not exceed:
 - (i) 14 hours in any 24-hour period; and
 - (ii) 72 hours in any seven-day period;
 or
- (b) minimum hours of rest shall not be less than:
 - (i) ten hours in any 24-hour period; and
 - (ii) 77 hours in any seven-day period.

2. Hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length, and the interval between consecutive periods of rest shall not exceed 14 hours.

3. Musters, fire-fighting and lifeboat drills, and drills prescribed by national laws and regulations and by international instruments shall be conducted in a manner that minimizes the disturbance of rest periods and does not induce fatigue.

4. In respect of situations when a seafarer is on call, such as when a machinery space is unattended, the seafarer shall have an adequate compensatory rest period if the normal period of rest is disturbed by call-outs to work.

5. If no collective agreement or arbitration award exists or if the competent authority determines that the provisions in the agreement or award in respect of paragraph 3 or 4 are inadequate, the competent authority shall determine such provisions to ensure the seafarers concerned have sufficient rest.

6. Nothing in paragraphs 1 and 2 shall prevent the Member from having national laws or regulations or a procedure for the competent authority to authorize or register collective agreements permitting exceptions to the limits set out. Such exceptions shall, as far as possible, follow the standards set out but may take account of more frequent or longer leave periods or the granting of compensatory

leave for watchkeeping seafarers or seafarers working on board ships on short voyages.

7. The Member shall require the posting, in an easily accessible place, of a table with the shipboard working arrangements, which shall contain for every position at least:

- (a) the schedule of service at sea and service in port; and
- (b) the maximum hours of work or the minimum hours of rest required by the laws, regulations or collective agreements in force in the flag State.

8. The table referred to in paragraph 7 shall be established in a standardized format in the working language or languages of the ship and in English.

Article 6

No seafarer under 18 years of age shall work at night. For the purpose of this Article, "night" means a period of at least nine consecutive hours, including the interval from midnight to 5 a.m. This provision need not be applied when the effective training of young seafarers between the ages of 16 and 18 in accordance with established programmes and schedules would be impaired.

Article 7

1. Nothing in this Convention shall be deemed to impair the right of the master of a ship to require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on board or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea.

2. In accordance with paragraph 1, the master may suspend the schedule of hours of work or hours of rest and require a seafarer to perform any hours of work necessary until the normal situation has been restored.

3. As soon as practicable after the normal situation has been restored, the master shall ensure that any seafarers who have performed work in a scheduled rest period are provided with an adequate period of rest.

Article 8

1. The Member shall require that records of seafarers' daily hours of work or of their daily hours of rest be maintained to allow monitoring of compliance with the provisions set out in Article 5. The seafarer shall receive a copy of the records pertaining to him or her which shall be endorsed by the master, or a person authorized by the master, and by the seafarer.

2. The competent authority shall determine the procedures for keeping such records on board, including the intervals at which the information shall be recorded. The competent authority shall establish the format of the records of the seafarers' hours of work or of their hours of rest taking into account any available International Labour Organization guidelines or shall use any standard format prepared by the Organization. The format shall be established in the language or languages provided by Article 5, paragraph 8.

3. A copy of the relevant provisions of the national legislation pertaining to this Convention and the relevant collective agreements shall be kept on board and be easily accessible to the crew.

Article 9

The competent authority shall examine and endorse the records referred to in Article 8, at appropriate intervals, to monitor compliance with the provisions governing hours of work or hours of rest that give effect to this Convention.

Article 10

If the records or other evidence indicate infringement of provisions governing hours of work or hours of rest, the competent authority shall require that measures, including if necessary the revision of the manning of the ship, are taken so as to avoid future infringements.

PART III. MANNING OF SHIPS

Article 11

1. Every ship to which this Convention applies shall be sufficiently, safely and efficiently manned, in accordance with the minimum safe manning document or an equivalent issued by the competent authority.

2. When determining, approving or revising manning levels, the competent authority shall take into account:

- (a) the need to avoid or minimize, as far as practicable, excessive hours of work, to ensure sufficient rest and to limit fatigue; and
- (b) the international instruments identified in the Preamble.

Article 12

No person under 16 years of age shall work on a ship.

PART IV. RESPONSIBILITIES OF SHIPOWNERS AND MASTERS

Article 13

The shipowner shall ensure that the master is provided with the necessary resources for the purpose of compliance with obligations under this Convention, including those relating to the appropriate manning of the ship. The master shall take all necessary steps to ensure the requirements on seafarers' hours of work and rest arising from this Convention are complied with.

PART V. APPLICATION

Article 14

A Member which ratifies this Convention shall be responsible for the application of its provisions by means of laws or regulations, except where effect is given by collective agreements, arbitration awards or court decisions.

Article 15

The Member shall:

- (a) take all necessary measures, including the provision of appropriate sanctions and corrective measures, to ensure the effective enforcement of the provisions of this Convention;
- (b) have appropriate inspection services to supervise the application of the measures taken in pursuance of this Convention and provide them with the necessary resources for this purpose; and
- (c) after consulting shipowners' and seafarers' organizations, have procedures to investigate complaints relating to any matter contained in this Convention.

PART VI. FINAL PROVISIONS

Article 16

This Convention revises the Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958; the Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949; the Wages, Hours of Work and Manning (Sea) Convention, 1946; and the Hours of Work and Manning (Sea) Convention, 1936.

As from the date this Convention has come into force, the above-listed Conventions shall cease to be open to ratification.

Article 17

This Convention shall come into force six months after the date on which the ratifications of five Members, three of which each have at least 1 million tons gross tonnage of shipping, have been registered with the Director-General of the International Labour Office.

B. Proposed Recommendation concerning seafarers' wages and hours of work and the manning of ships

The General Conference of the International Labour Organization,
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighty-fourth Session on 8 October 1996, and

Noting the provisions of the Protection of Wages Convention, 1949; the Minimum Wage-Fixing Convention, 1970; the Seafarers' Annual Leave with Pay Convention, 1976; the Merchant Shipping (Minimum Standards) Convention, 1976; the Repatriation of Seafarers Convention (Revised), 1987; the Protection of Workers' Claims (Employer's Insolvency) Convention, 1992; and the International Convention on Maritime Liens and Mortgages, 1993, and

Having decided upon the adoption of certain proposals with regard to the revision of the Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958 and the Wages, Hours of Work and Manning (Sea) Recommendation, 1958, which is the second item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Seafarers' Hours of Work and the Manning of Ships Convention, 1996;

adopts this day of October of the year one thousand nine hundred and ninety-six, the following Recommendation, which may be cited as the Seafarers' Wages, Hours of Work and the Manning of Ships Recommendation, 1996.

I. SCOPE AND DEFINITIONS

1. (1) This Recommendation applies to every seagoing ship, whether publicly or privately owned, which is registered in the territory of the Member and is ordinarily engaged in commercial maritime operations.

(2) To the extent it deems practicable, after consulting the representative organizations of fishing-vessel owners and fishermen, the competent authority should apply the provisions of this Recommendation to commercial maritime fishing.

(3) In the event of doubt as to whether or not any ships are to be regarded as seagoing ships or engaged in commercial maritime operations or commercial maritime fishing for the purposes of this Recommendation, the question should be determined by the competent authority after consulting the organizations of shipowners, seafarers and fishermen concerned.

(4) This Recommendation does not apply to wooden vessels of traditional build such as dhows and junks.

2. For the purpose of this Recommendation:

- (a) the term "basic pay or wages" means the pay, however composed, for normal hours of work; it does not include payments for overtime worked, bonuses, allowances, paid leave or any other additional remuneration;
- (b) the term "competent authority" means the minister, government department or other authority having power to issue regulations, orders or other instructions having the force of law in respect of seafarers' wages, hours of work or rest or the manning of ships;
- (c) the term "consolidated wage" means a wage or salary which includes the basic wage and other pay-related benefits; a consolidated wage may include compensation for all overtime hours which are worked and all other pay-related benefits, or it may include only certain benefits in a partial consolidation;
- (d) the term "hours of work" means time during which a seafarer is required to do work on account of the ship;
- (e) the term "overtime" means time worked in excess of the normal hours of work;

- (f) the term "seafarer" means any person defined as such by national laws or regulations or collective agreements who is employed or engaged in any capacity on board a seagoing ship to which this Recommendation applies; and
- (g) the term "shipowner" means the owner of the ship or any other organization or person, such as the manager or bareboat charterer who has assumed the responsibility for the operation of the ship from the shipowner and who on assuming such responsibility has agreed to take over all the attendant duties and responsibilities.

II. SEAFARERS' WAGES

3. For seafarers whose remuneration includes separate compensation for overtime worked:

- (a) for the purpose of calculating wages, the normal hours of work at sea and in port should not exceed eight hours per day;
- (b) for the purpose of calculating overtime, the number of normal hours per week covered by the basic pay or wages should be prescribed by national laws or regulations, if not determined by collective agreements, but should not exceed 48 hours per week; collective agreements may provide for a different but not less favourable treatment;
- (c) the rate or rates of compensation for overtime, which should be not less than one and one-quarter times the basic pay or wages per hour, should be prescribed by national laws or regulations or by collective agreements; and
- (d) records of all overtime worked should be maintained by the master, or a person assigned by the master, and endorsed by the seafarer at regular intervals.

4. For seafarers whose wages are fully or partially consolidated:

- (a) the collective agreement, articles of agreement, contract of employment and letter of engagement should specify clearly the amount of remuneration payable to the seafarer and where appropriate the number of hours of work expected of the seafarer in return for this remuneration, and any additional allowances which might be due in addition to the consolidated wage, and in which circumstances;
- (b) where hourly overtime is payable for hours worked in excess of those covered by the consolidated wage, the hourly rate should be not less than one and one-quarter times the basic rate corresponding to the normal hours of work as defined in Paragraph 3; the same principle should be applied to the overtime hours included in the consolidated wage;
- (c) remuneration for that portion of the fully or partially consolidated wage representing the normal hours of work as defined in Paragraph 3(a) should be no less than the applicable minimum wage; and
- (d) for seafarers whose wages are partially consolidated, records of all overtime worked should be maintained and endorsed as provided in Paragraph 3(d).

5. National laws or regulations or collective agreements may provide for compensation for overtime or for work performed on the weekly day of rest and on public holidays by at least equivalent time off duty and off the ship or additional leave in lieu of remuneration or any other compensation so provided.

6. National laws and regulations adopted after consulting the representative organizations of seafarers and shipowners or, as appropriate, collective agreements should take into account the following principles:

- (a) equal remuneration for work of equal value should apply to all seafarers employed upon the same ship without discrimination based upon race, colour, sex, religion, political opinion, national extraction or social origin;
- (b) the articles of agreement or other agreement specifying the applicable wages or wage rates should be carried on board the ship; information on the amount of wages or wage rates should be made available to each seafarer, either by providing at least one signed copy of the relevant information to the seafarer in a language which the seafarer understands, or by posting a copy of the

agreement in a place accessible to the crew or by some other appropriate means;

- (c) wages should be paid in legal tender; where appropriate, they may be paid by bank transfer, bank cheque, postal cheque or money order;
- (d) wages should be paid monthly or at some other regular interval, and on termination of engagement all remuneration due should be paid without undue delay;
- (e) adequate penalties or other appropriate remedies should be imposed by the competent authorities where shipowners unduly delay, or fail to make, payment of all remuneration due;
- (f) wages should be paid directly to the seafarer or to the seafarer's designated bank account unless he or she requests otherwise in writing;
- (g) subject to subparagraph (h), the shipowner should impose no limit on the seafarer's freedom to dispose of his or her remuneration;
- (h) deduction from remuneration should be permitted only if:
 - (i) there is an express provision therefor in national laws or regulations or in an applicable collective agreement;
 - (ii) the seafarer has been informed, in the manner deemed most appropriate by the competent authority, of the conditions for such deductions; and
 - (iii) they do not in total exceed the limit that may have been established by national laws or regulations or collective agreements or court decisions for making such deductions;
- (i) no deductions should be made from a seafarer's remuneration in respect of obtaining or retaining employment;
- (j) the competent authority should have the power to inspect stores and services provided on board ship to ensure that fair and reasonable prices are applied for the benefit of the seafarers concerned; and
- (k) to the extent that seafarers' claims for wages and other sums due in respect of their employment are not secured in accordance with the provisions of the International Convention on Maritime Liens and Mortgages, 1993, such claims should be protected in accordance with the Protection of Workers' Claims (Employer's Insolvency) Convention, 1992, of the International Labour Organization.

7. The Member should, after consulting with shipowners' and seafarers' organizations, have procedures to investigate complaints relating to any matter contained in this Recommendation.

III. MINIMUM WAGES

8. (1) Without prejudice to the principle of free collective bargaining, the Member should, after consulting representative organizations of shipowners and seafarers, establish procedures for determining minimum wages for seafarers. Representative organizations of shipowners and seafarers should participate in the operation of such procedures.

(2) When establishing such procedures and in fixing minimum wages, due regard should be given to international labour standards concerning minimum wage fixing, as well as the following principles:

- (a) the level of minimum wages should take into account the nature of maritime employment, manning levels of ships, and seafarers' normal hours of work;
- (b) the level of minimum wages should be adjusted to take into account changes in the cost of living and in the needs of seafarers.

(3) The competent authority should ensure:

- (a) by means of a system of supervision and sanctions, that wages are paid at not less than the rate or rates fixed; and
- (b) that any seafarer who has been paid at a rate lower than the minimum wage is enabled to recover, by an inexpensive and expeditious judicial or other procedure, the amount by which he or she has been underpaid.

IV. MINIMUM MONTHLY BASIC PAY OR
WAGE FIGURE FOR ABLE SEAMEN

9. For the purpose of this Part, the term "able seaman" means any seafarer who is deemed to be competent to perform any duty which may be required of a rating serving in the deck department, other than the duties of a leading or specialist rating, or any seafarer who is defined as an able seaman in accordance with national laws, regulations or practice, or collective agreement.

10. The basic pay or wages for a calendar month of service for an able seaman should be no less than the amount periodically set by the Joint Maritime Commission or another body authorized by the Governing Body of the International Labour Office. Upon a decision of the Governing Body, the Director-General of the ILO shall notify any revised amount to the Members of the International Labour Organization. As of 1 January 1995, the amount set by the Joint Maritime Commission was 385 United States dollars.

11. Nothing in this Part should be deemed to prejudice arrangements agreed between shipowners or their organizations and seafarers' organizations with regard to the regulation of standard minimum terms and conditions of employment, provided such terms and conditions are recognized by the competent authority.

12. This Recommendation supersedes the Wages, Hours of Work and Manning (Sea) Recommendation, 1958.

**Resolution on the application of the Seafarers' Hours
of Work and the Manning of Ships Convention, 1996**

The General Conference of the International Labour Organization,
Having met in Geneva in its Eighty-fourth Session, from 8 to 22 October
1996,

Having discussed the second item on its agenda, entitled the Revision of the
Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958
(No. 109), and Recommendation, 1958 (No. 109),

Invites the Governing Body of the International Labour Office to request the
Director-General, as a matter of priority, to develop the guidelines and
standardized format referred to in Articles 5 and 8 of the Seafarers' Hours
of Work and the Manning of Ships Convention, 1996, taking into account
the texts and proposals made at the Committee and the discussions thereon.
It is recommended that a tripartite group of experts be convened by the
ILO to assist in this exercise.

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Second item on the agenda: Revision of the Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958 (No. 109), and Recommendation, 1958 (No. 109):

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Provisional Record

Eighty-fourth (Maritime) Session, Geneva, 1996

Third item on the agenda:

Revision of the Placing of Seamen Convention, 1920 (No. 9)

Report of the Committee on Convention No. 9

1. The Committee on Convention No. 9 was set up by the Conference at its opening sitting on 8 October 1996 to consider the third item on its agenda, the revision of the Placing of Seamen Convention, 1920 (No. 9).

2. The Committee was originally composed of 80 members (40 Government members, 14 Employer members and 26 Worker members). To achieve equality of voting strength, each Government member with the right to vote was allotted 91 votes, each Employer member 260 votes and each Worker member 140 votes. The composition of the Committee was modified five times during the session and the number of votes attributed to each member was adjusted accordingly.¹

3. The Committee elected the following Officers:

Chairperson: Mr. L. Palma (Government member, the Philippines);

Vice-Chairpersons: Mr. L. Payne (Employer member, Australia); and
Mr. G. Oca (Worker member, the Philippines);

Reporter: Mr. C. Blower (Australia).

4. At its fifth sitting the Committee appointed a Drafting Committee composed as follows: Mr. P. Oost (Government member, the Netherlands),

¹ The following adjustments were made:

- (a) 9 October: 97 members (53 Government members with 210 votes each, 14 Employer members with 795 votes each and 30 Worker members with 371 votes each);
- (b) 10 October: 93 members (54 Government members with 20 votes each, 15 Employer members with 72 votes each and 24 Worker members with 45 votes each);
- (c) 11 October: 93 members (55 Government members with 69 votes each, 15 Employer members with 253 votes each and 23 Worker members with 165 votes each);
- (d) 12 October: 91 members (55 Government members with 21 votes each, 15 Employer members with 77 votes each and 21 Worker members with 55 votes each);
- (e) 14 October: 91 members (55 Government members with 21 votes each, 15 Employer members with 77 votes each and 21 Worker members with 55 votes each);
- (f) 15 October: 91 members (55 Government members with 21 votes each, 15 Employer members with 77 votes each and 21 Worker members with 55 votes each);
- (g) 18 October: 92 members (55 Government members with 6 votes each, 15 Employer members with 22 votes each and 22 Worker members with 15 votes each).

Mr. L. Payne (Employer member, Australia), Mr. L. Barnes (Worker member, India) and the Reporter of the Committee.

5. The Committee had before it Report III, entitled Revision of the Placing of Seamen Convention, 1920 (No. 9), which had been prepared by the Office for consideration by the Conference of the third item on its agenda. This report was used as a basis for the Committee's discussions. The proposed text for the Convention and Recommendation contained therein had been prepared by the Office on the basis of the Conclusions adopted by the Tripartite Meeting on Maritime Labour Standards (Geneva, November-December 1994).

6. The Committee held 11 sittings.

7. Opening the discussion, the Chairperson thanked the Committee for the confidence it placed in him. The task before the Committee was to strike a balance between progressive standards and a Convention that governments could ratify. The aim was to go beyond the lowest common denominator. As at the Tripartite Meeting in 1994, it would be possible to succeed in this, thanks to the concerted efforts of all the parties.

General discussion

8. In presenting the Office report, the representative of the Secretary-General recalled that the first discussion of the proposed text had occurred at the Tripartite Meeting on Maritime Labour Standards, in 1994. The second and final discussion in the process of revision of Convention No. 9 would occur during the work of this Committee and the present Conference. The draft texts of a Convention and a Recommendation presented in this report were based on the conclusions of the 1994 Tripartite Meeting. The Office introduced some minor changes to make the text clearer, to remove any possible contradictions with the terminology used in other relevant ILO instruments, or to rearrange the provisions in a more logical order. The Office also proposed that the Conference should again discuss the question of arrangements for the compensation of shipowners and seafarers for default of recruitment and placement services and consider the possibility of including a specific provision.

9. The Employer Vice-Chairperson recalled the common aim to improve standards in this area and the excellent spirit of cooperation shown by the groups during the 1994 Tripartite Meeting, when the number of amendments submitted had posed formidable problems. He expressed the Employers' intention to continue in that same spirit.

10. For this meeting, the Employers' group's objectives were identical with those at the 1994 Tripartite Meeting, namely:

- (a) to seek to develop instruments which would ensure that all recruitment and placement agencies and organizations operate according to standards which prevent abuse or exploitation of seafarers;
- (b) to ensure that these standards are widely accepted in the main labour-supplying countries;
- (c) to provide for standards that apply equally to fee-charging agencies and to free public employment services;

- (d) to ensure that all such agencies should operate only under close supervision by governments.

These objectives would best be achieved through a relatively short Convention containing broad principles, supplemented by a Recommendation containing the detailed matters. This would ensure that the Convention operates in a manner consistent with the intentions of the parties.

11. The Employer Vice-Chairperson expressed the concern of his group about the proposed revision of the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96), to be undertaken in the 85th Session (1997) of the International Labour Conference. The Employers' group wished to see maintained the distinction between the application of existing Convention No. 96 (and, implicitly, any instrument revising that) to shore-based workers only, and that of revised Convention No. 9 to seafarers only. They would be proposing a draft resolution to this effect for adoption by the Committee.

12. The Worker Vice-Chairperson stressed his group's belief that there was a fundamental structural crisis within the maritime sector, one that was manifested by the shortage of suitably skilled and qualified seafarers, the growing age of the world fleet, the large number of lives lost at sea, the lack of flag state implementation and the spiralling increase in the number of port state control detentions. In his group's view the principal causes of the crisis were unfair competition and the competitive distortion caused by the existence of the flag of convenience system. The crisis had severe implications for seafarers. He recalled their statement in the opening address to the 1994 Tripartite Meeting, that seafarers were exploited by fee-charging employment agencies in 1920 when Convention No. 9 was adopted, and that seafarers from developing countries continued to be exploited today. This was compounded by the mode of operation of commercial employment services, whose well-documented malpractices were one of the symptoms of the crisis.

13. Seafarers were unique and required special attention from the ILO; shipping had become truly international and there were wide variations in the choice of registry, management and employment relationships, trading patterns and crew. The role of seafarers was crucial to the safety of life at sea and the protection of the marine environment; the malaise within the industry therefore had to be tackled at the human level. He recalled that world trade was heavily reliant on shipping and pointed out there was a growing demand for shipping to be environment-friendly. The shipping operations increasingly required by the general public were dependent on seafarers and required humane employment relationships. This fact was illustrated by the International Shipowners' Federation's adoption of a code of good practice for manning agencies.

14. The Worker Vice-Chairperson considered that the text provided in Report III did not fully reflect seafarers' concerns, or the general consensus at the 1994 Tripartite Meeting, or important changes since that Meeting. Since then, the United Nations Convention on the Law of the Sea had been widely ratified. The International Maritime Organization had completed a fundamental revision of its Standards of Training, Certification and Watchkeeping Convention.

15. The Workers' group's fundamental concerns and profound reservations would be reflected in the amendments which it would be tabling to the

instruments proposed in Report III. Aware of the growing demands to create a safety culture aboard ship, the Workers' group believed the discussions within this Committee to be fundamental to that debate, and it expressed its sincere wish that the ILO would seize this opportunity to adopt the revised instrument and thus make a great contribution to the establishment of the requisite rules and norms. Central to a safety culture was the empowerment of seafarers such that they would indeed be able to have an impact on such matters at an operational level. The Workers' group was mindful both of the need to secure the highest number of ratifications and of the need to ensure that any revised instrument contributes to improving the current situation.

16. The Government members of Congo, the Republic of Korea and the Russian Federation noted that the proposed text reflected the major concerns of their countries and the agreements reached at the 1994 Tripartite Meeting. In addition, the Government member of the Republic of Korea expressed his satisfaction that it did not include the guarantee fund provision, as agreed at the 1994 Tripartite Meeting. He regretted the low level of ratification of Convention No. 9 by the major seafarer-supplying countries.

17. The Government members of France, the Republic of Korea and the Russian Federation noted the existence in practice of private employment agencies but expressed their belief that such agencies should be subject to well-defined legislation and should operate under the close supervision of the competent authorities so as to prevent the exploitation of seafarers. The Government member of France stressed that the principle of public employment services should be maintained for seafarers while the Government member of Greece indicated that this should be left to the discretion of the administration of the member State. The Government member of Lebanon noted that private employment agencies were prohibited in her country and affirmed that, if and when such agencies were to be established, they should come under firm licensing and supervision.

18. The Government members of Germany and the Netherlands raised the issue of coordination between the different ILO Conventions related to the recruitment and placement of workers.

19. The Government members of India and the Philippines raised a number of specific issues related to Article 6 about the freedom of choice of ship by the seafarers and of crew by shipowners and Article 1.1(c) related to the definition of "seafarers", respectively, and proposed that they be discussed in detail in the forthcoming sitting.

20. The Government member of Croatia raised the question of a possible contradiction between Convention No. 9 and the text of its proposed revision, in particular the definition provided in Article 1 of Convention No. 9 and that provided in Article 1.1(c) and 1.2 of the draft instrument. If the definition of seaman/seafarer changed radically, she wondered whether the Committee was actually considering a revised Convention or a new Convention.

21. The Government member of France considered this an important legal issue and also asked for clarification on whether, if the revised Convention is adopted, countries which had previously ratified Convention No. 9 would automatically denounce the earlier Convention when they ratified revised Convention No. 9. The point was also raised by the Worker member of Argentina

and by members of various other governments. The Government member of Denmark drew attention to Convention No. 27 which stated that the ratification of a new revised Convention shall *ipso jure* involve the immediate denunciation of the former Convention. :

22. The Chairperson sought to clarify the issue, in consultation with the Legal Adviser of the ILO. In view of the complexity of the legal issue raised, the Chairperson proposed to obtain further clarification. This was provided when Article 7 was discussed.

23. The Worker member of India stated that seafarers had two major concerns: the expenses on medical and other contingencies incurred by seafarers which were not reflected in the proposed instrument; and the question of the unpaid wages and repatriation of stranded seafarers, both of which were quite unacceptable. Practical measures to deal with both these issues had to be adopted. The seafarers wanted an effective instrument, which would ensure respect for contracts entered into, not just the placement of seafarers. In reply, the Employer Vice-Chairperson stated he had anticipated these views and objections from the seafarers and would respond as the relevant amendments were proposed.

24. The Government member of the Philippines noted that the proposed text did not mention repatriation but focused on placement mechanisms and on the responsibilities of agencies and the competent authorities. He asked whether the Committee should focus its discussion on the proposed text or also on other, equally important issues. The Chairperson referred to the text before the Committee. Although there was no hard and fast rule preventing the raising of matters under the amendment procedure, this was the second discussion of the subject before the Committee and, logically, the matter at hand was the text itself. The Employer Vice-Chairperson stated that the concerns just expressed by the seafarers would be taken into consideration by the other committees then meeting. In his view, if concerns that were not directly relevant were included in the instrument, the likely outcome would be a disincentive to member States to ratify it.

25. Returning to a general issue, the Government member of Chile stated that her Government could not contemplate ratifying a Convention if it did not have the means to apply it. Its policy on intermediaries was based on strengthening public employment agencies and state supervision of private agencies. Her Government could not guarantee strict control of the latter, but favoured other, indirect methods of control (registration, labour inspection, etc.). Seeking to promote the matching of labour supply and demand, her Government supported workers' free access to work and the supervision of standards and inspection of conditions of work in shipping. Unless there was greater flexibility with respect to private employment agencies, her Government could not consider ratifying the Convention.

26. The Government member of Zaire recalled his country's long tradition in shipping. He felt the discussion should focus on the welfare of seafarers, notably repatriation, wages and health care of seafarers on foreign ships. Private agencies were rare in his country and Zairean seafarers often found themselves in intolerable situations, recruited in one country and stranded in another.

Discussion of the proposed Convention concerning the recruitment and placement of seafarers contained in Report III

Preamble

27. Two amendments presented to the Preamble sought to refer to international instruments in addition to those listed in the draft text of the Office. The first was submitted by the Worker Vice-Chairperson, proposing to include reference to an additional ten ILO Conventions and Recommendations, which his group deemed of direct relevance, in particular the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). In addition his group proposed to include a reference to the IMO Standards of Training, Certification and Watchkeeping Convention, 1987, as amended, the Universal Declaration of Human Rights, 1948, and the International Convention on the Elimination of All Forms of Racial Discrimination, 1965. The Worker Vice-Chairperson considered the Preamble should make it clear that seafarers enjoyed the same rights as other workers; indeed, many were prevented from exercising their legitimate trade union rights, which was why his group wished to see these references included.

28. The Worker Vice-Chairperson pointed out that in the context of strengthening the Preamble, it was also relevant to mention Convention No. 96, which was up for revision at the 1997 Session of the International Labour Conference. At the 1994 Tripartite Meeting, it had been decided to include the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) in the Preamble; the group wondered why this Convention was omitted from the proposed Preamble. He felt that the particular problems of seafarers were addressed in the other instruments whose inclusion in the Preamble was proposed: medical care and social benefits; repatriation; and the protection of workers' claims in the event of their employers' insolvency.

29. The second amendment to the Preamble was submitted by the Government member of France and concerned the insertion of a reference to the Convention on Labour Inspection (Seafarers), to be adopted after the reference to the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147). The speaker felt that the link between revised Convention No. 9 and the inspection system in shipping should be made, notably as regards recruitment and placement services.

30. The Employer Vice-Chairperson opposed the reference to matters not directly relevant to the purpose of the new instrument. He was concerned that raising these issues risked diffusing the main thrust of the instrument. He felt that, however important the instruments referred to, the real concern of the Committee was to establish a clear set of principles for the revised Convention. The Government members of Australia and Lebanon concurred with the Employers' group.

31. The Government member of the United States supported the Worker members' reference to fundamental issues. The Government member of Australia felt that both the Discrimination (Employment and Occupation) Convention, 1958

(No. 111) and the Repatriation of Seafarers Convention (Revised), 1987 (No. 166), were relevant for the proposed instrument. The Government member of the Philippines felt that a reference to the Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173) was also relevant.

32. The Chairperson took note of the different views on including additional references to international instruments in the Preamble. After consultation, the Workers' group submitted a subamendment listing the Conventions it wished added to the Preamble: the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); the Discrimination (Employment and Occupation) Convention, 1958 (No. 111); the Repatriation of Seafarers Convention (Revised), 1987 (No. 166); and the revised Labour Inspection (Seamen) Recommendation, which was expected to be adopted by the Conference at this session.

33. The Government member of Croatia suggested adding the Minimum Age Convention, 1973 (No. 138) to the Preamble, and the Workers' group agreed. The Employers' group pointed out that the Appendix to the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147) included a reference to the Minimum Age Convention, which might obviate the need to specify it. The Chairperson proposed that the plenary tentatively agree to including it, subject to consideration by the Drafting Committee. The three groups had no objection.

34. The Employers' group supported this list, but recalled that the Office would determine which procedure to adopt to insert the latest instrument on labour inspection.

35. The Government member of Greece did not feel the instrument in question referring to labour inspection was relevant to this Convention as it concerned conditions on board ship; he queried the implications of referring to an instrument which might not come into force. The Government members of Croatia and the Netherlands agreed with the Government of Greece.

36. The Government member of France replied that during the discussions in the Committee examining the revision of the instrument in question an amendment had been adopted to include recruitment in the definition of seafarers' working and living conditions; consequently he felt that inclusion of this instrument would be appropriate.

37. The Governments were divided on this issue; although the draft instrument provided for labour inspection services to inspect working conditions, the revised Convention No. 9 was concerned with conditions prior to employment. The Employers' group reiterated that the instrument was concerned with recruitment and placement services and pointed out that as such services represented a line of communication between shipowners and seafarers, its inclusion was relevant.

38. The Chairperson noted that the Government members of the Netherlands, Greece and Croatia opposed the inclusion of the new instrument, while the Government members of Belgium, Chile and Sweden were in favour.

39. The Committee agreed to retain the reference in square brackets and consider it further when adopting the report. The Preamble was adopted as amended.

Article 1

Paragraph 1

Subparagraph (a)

40. Subparagraph (a) was the subject of an amendment related to the definition of the "competent authority" proposed by the Government member of Lebanon, which suggested the insertion of "designated" before the word "official", in line 1, to indicate clearly the authority vested in that official.

41. There was some discussion about the additional significance conferred by this word. The Workers' group stated it would be useful, given that in some countries there are different state agencies to handle the various aspects of shipping. There being no objection from the Employers' group, the amendment was adopted.

42. The same subparagraph was the subject of a proposed amendment by the Employers' group, namely that the words "having the force of law" following "regulations, orders or other instructions" be deleted. In the group's view, the term was tautological, given that a competent authority inherently holds the authority to issue instructions; indeed, it could not do so unless it had the force of law.

43. The Government member of Australia opposed the amendment, holding that "having the force of law" modified "other instructions" only; some countries had measures such as directives and these needed to have the backing of the force of law in order to be differentiated from mere instructions by an official.

44. The Employers' group accepted the point about avoidance of ambiguity made by the Government member of Australia and withdrew the amendment.

Subparagraph (b)

45. An amendment related to the definition of "recruitment and placement services" was submitted by the Government member of Chile to delete the text in the last part of the sentence referring to placing seafarers with employers. It was not discussed by the Committee as it was not seconded.

46. The Government member of Lebanon submitted an amendment, to add the words "provided that these organizations are entitled to recruit or place seafarers with employers on behalf of employers" to the end of the paragraph. The Government member of Lebanon explained that in some countries private recruitment and employment agencies were not allowed to recruit unless they received instructions from shipowners. The Government member of Morocco agreed with the amendment but wished to add a small subamendment to avoid the repetition of the word "employers".

47. The Employers' and Workers' groups, as well as the Government members of Germany and the Netherlands, opposed the amendment as it did not add any further clarification and would change the meaning of subparagraph (b).

48. The Government member of Australia stated that there was nothing in the Convention which forced shipowners to recruit a seafarer through an agency or to use the services of a particular private agency. On the basis of explanations given by the Government member of Australia, the Government member of Lebanon withdrew the amendment.

49. The Employers' group submitted an amendment to delete the words "as primary or secondary activity, free of charge or in exchange of financial compensation." In their opinion this would avoid confusion in the definition of placement services and strengthen the application of the instrument.

50. The Workers' group opposed the amendment and submitted another amendment to add the words "directly or as an intermediary" after "secondary activity" to reinforce the concept of a service "free of charge".

51. After consulting different members and in the spirit of consensus, the Workers' group supported the amendment submitted by the Employers' group and withdrew their own. Subparagraph (b), as amended was adopted.

New subparagraph after subparagraph (b)

52. The Workers' group stated that it would be logical to define shipowners and submitted an amendment to add a new subparagraph after subparagraph (b), as follows: "The term "shipowner" means the owner of the ship or any other organization or person such as the manager, agent or the bareboat charterer, who has assumed the responsibility for operation of the ship from the shipowner and who on assuming such responsibility has agreed to take over all the attendant duties and responsibilities.

53. The Employers' group understood the concern of the Workers' group but considered that it was not necessary to define the term shipowner in the Convention being revised; indeed, to do so would weaken the focus of the draft text.

54. The Government members of Australia and Germany questioned whether such a definition of shipowners was relevant or whether a definition of employer would suffice, as the instrument focused on recruitment and placement of seafarers. The Government members of the Philippines and Morocco supported the Workers' group and stated that a clearer definition of shipowners and employers was important.

55. Following explanation by the Employers' group on the use of the term "shipowner" in the draft text, the Government member of Australia, supported by the Government member of the Philippines, agreed that the term and definition of shipowners should be retained.

56. After further consultations among the Worker and Employer members, the Employers' group agreed to the amendment.

57. The proposed new subparagraph was adopted.

Subparagraph (c)

58. The Government member of Croatia submitted an amendment to replace subparagraph (c), so as to give a clearer definition of seafarers. That amendment proposed the following substitute text:

The term "seafarers" means a person defined as such by national law or practice or by collective agreement who is qualified to be employed or engaged as a crew member on board a seagoing vessel engaged in maritime navigation other than:

- (i) a ship of war;
- (ii) a ship engaged in fishing or in operations directly connected therewith or in whaling or in similar pursuits.

59. Before opening the discussion, the Chairperson drew attention to the definition of seafarers provided in the Conclusions of the 1994 Tripartite Meeting, according to which fishermen and seafarers serving on maritime mobile offshore units would be excluded from the Convention unless they were specifically included by ratifying governments after consultation with shipowners' and seafarers' organizations. He noted that in paragraph 2 the proposed text did not reflect that conclusion.

60. At the request of the Chairperson the representative of the Secretary-General explained that the provision's objective was to protect all jobseekers in the maritime sector, who did not always know the type of vessel on which they would ultimately work.

61. The Employer members concurred with the Chairperson and insisted that, in the discussion of the proposed amendments, the Conclusions agreed at the 1994 Tripartite Meeting should be followed. The Government member of Australia also recalled that the 1994 Tripartite Meeting had also adopted the same approach as the 1987 Maritime Conference.

62. The Employers' group considered that the debate on the definition of "seafarers" had already taken place at both the 1987 Maritime Conference and the 1994 Tripartite Meeting and that it would be inadvisable to depart from the approach agreed on a tripartite basis on both occasions.

63. The Workers' group opposed the amendment and insisted on keeping subparagraph (c) of paragraph 1 as well as paragraph 2, in order to be consistent with the definition of seafarers contained in the Social Security (Seafarers) Convention (Revised), 1987 (No. 165).

64. A number of Government members raised specific issues relating to inclusion or exclusion of fishermen and seafarers serving on maritime mobile offshore units, of entertainers and musicians on board seagoing ships and the major question of qualifications and certification.

65. In support of the amendment submitted by the Government member of Croatia, the Government member of the Philippines withdrew the amendment which would delete from the definition the words "in any capacity" and insert "as seamen, ratings and officers" between "engaged" and "on board".

66. The Employers' group withdrew its own amendment on this subject and submitted a subamendment to the amendment of the Government member of Croatia, to make it read as follows: "The term 'seafarer' means any person who fulfils the conditions to be employed or engaged in any capacity on board a seagoing ship other than a military or non-commercial government ship." They explained that the subamendment reflected the Conclusions of the 1994 Tripartite Meeting.

67. The Workers' group, in a spirit of cooperation, supported the subamendment. The Worker member of Argentina expressed his disagreement with the Workers' group on this.

68. In answer to a question raised by the Government members of France and Spain, the Chairperson confirmed that the draft texts would cover seafarers working on private yachts if they were recruited by a placement service, but excluded those working on non-commercial government ships.

69. Following the Chairperson's explanation, the Government members of Canada and Lebanon withdrew their respective amendments to subparagraph (c). The Government member of Canada also stressed that "non-commercial government ships" should be included in the text.

70. The Government member of the Russian Federation submitted an amendment, seconded by the Government member of the Philippines, to replace the words "in any capacity" by "having received appropriate professional maritime training, as well as other persons who are eligible to be employed or engaged in any capacity as defined by the competent authority, and fit for the work". He stated that a seafarer should be someone engaged in a particular capacity and fit for work on vessels or seeking employment on board ship; the status of all other persons working in any other capacity should be left to each country to determine. His views were shared by the Government member of the Philippines.

71. The Government member of Uruguay proposed to use the term "crew members on vessels" as it was in the Convention under revision. The Government member of France stressed that the concept "seafarers" had a broader coverage than "seamen" and suggested that the definition given in the Social Security (Seafarers) Convention (Revised), 1987 (No. 165) might be taken up.

72. In order to avoid a vote, the Chairperson proposed that the Government member of the Russian Federation could register his disapproval in the records of the meeting rather than cause a vote to be called. The Government member of the Russian Federation could not go along with this suggestion, because "in any capacity" was too broad a term for such an important subject. The Government member of the Philippines moved to postpone the deliberation of the amendment, seconded by the Government member of the Russian Federation. The Committee proceeded to a formal vote by a show of hands. There were 207 votes in favour of the motion, 7,866 against and 1,771 abstentions. The motion was, therefore, rejected.

73. The Committee proceeded to a formal vote, by a show of hands, on the amendment proposed by the Russian Federation, seconded by the Government member of the Philippines. There were 138 votes in favour of the amendment, 8,717 against and 943 abstentions. The amendment was rejected.

74. Subparagraph (c), as amended and subamended, was adopted.

Paragraph 2

75. Following an amendment submitted by the Government member of Croatia, the Employers' group submitted a subamendment, supported by the Workers' group, which was based on the Conclusions of the 1994 Tripartite Meeting and read as follows:

To the extent it deems practicable, after consultation with the representative organizations of fishing vessel owners and fishermen, as well as those of owners of maritime mobile offshore units and seafarers serving on such units, the competent authority should apply the provisions of the Convention respectively to fishermen and seafarers on maritime mobile offshore units.

76. The Government members of Croatia and Lebanon proposed to replace the word "should" by "may". The Government member of Australia suggested that this proposal should be left up to the Drafting Committee.

77. The subparagraph 1(c) and the new paragraph 2, as subamended, were adopted, subject to the consideration of the Drafting Committee. The Government members of Australia, Canada, Lebanon, the Netherlands and the Philippines withdrew their respective amendments on subparagraph 1.1(c).

78. Article 1 was adopted as amended.

Article 2

79. The Worker Vice-Chairperson submitted an amendment proposing the replacement of Article 2 with a new Article stating:

1. Nothing in this Convention shall be deemed to:
 - (a) prevent a Member from maintaining a free public recruitment and placement service for seafarers in the framework of a policy to meet the needs of seafarers and shipowners, whether it forms part of or is coordinated with a public employment service for all workers and employers;
 - (b) impose on a Member which maintains a free public recruitment and placement service for seafarers an obligation to establish a system for the operation of private recruitment and placement services;
2. Where private recruitment and placement services have been established they shall be operated within the territory of a Member only in conformity with a system of licensing, certification or similar authorization. This system shall be established or maintained only with the agreement of representative organizations of shipowners and seafarers and shall prevent the undue proliferation of such private recruitment and placement services.

80. The Worker Vice-Chairperson proposed this new formulation in order to meet the needs of modern shipping which required responsible and reliable means of recruiting seafarers. The suggested draft referred to public recruitment and placement services first to reflect the importance that was placed on these.

81. The Employer Vice-Chairperson expressed his preference for the original draft text, arguing that nothing in the Convention should impose one system over another and that a Convention should not include proposals that limited competition.

82. The Government members of Argentina, the Philippines and Lebanon all preferred the substitution of "consultation" for "agreement" in line 4 of paragraph 2 of the proposed amendment.

83. The Government member of the Netherlands opposed any system of licensing, a point made in the amendment he proposed, and recalled that at the Tripartite Meeting all governments had favoured the concept of consultation in preference to agreement.

84. The Government member of Australia pointed out that a Member should not be compelled to maintain a free public recruitment service, even if it could do so voluntarily. The Government member of Greece referred to point 9 of the Proposed Conclusions contained in Report III, and stated that any Member having ratified the Convention could maintain such a service.

85. The Employer Vice-Chairperson stated he could accept the amendment if it were expressed as follows: paragraph 1, subparagraph (a) as stated; subparagraph (b) if the words "which maintains a free public recruitment and placement service for seafarers" were deleted; and if the last sentence of paragraph 2 (starting "This system shall ...") were replaced by the final sentence of the text proposed by the Office.

86. The Worker Vice-Chairperson accepted the insertion of the words "the obligation" in paragraph 1 subparagraph (b) and the replacement in paragraph 2 of "agreement" with "consultation".

87. The Chairperson considered there was no disagreement between Employers and Workers on paragraph 1, subparagraph (a) and on the first sentence of paragraph 2. Disagreements continued over the inclusion of "which maintains a free public recruitment service for seafarers", and the use of the term "undue proliferation".

88. The Government member of Australia felt that if the revised Convention set appropriate standards it would prevent the undue proliferation of agencies. He proposed a formulation along the lines of "not encouraging" undue proliferation. The Government member of the Philippines supported this view, but could only agree to the proposed amendment if the word "only" were deleted from line 4 of paragraph 2. The Employer Vice-Chairperson and the Government member of Argentina also supported the deletion of the word "only".

89. The Government member of Australia pointed out that deletion of the word "only" would place emphasis on the word "shall" in the same sentence, with the result that the licensing system would then appear to be mandatory. At this point, the Employer Vice-Chairperson withdrew his earlier acceptance of the deletion of the word "only", which had been made purely in order to simplify matters at that earlier point in the discussion.

90. The Government member of the Philippines stressed his belief that the word "only" gave undue emphasis to the need for consultation; the Government member of Lebanon also indicated her reservations on the retention of "only". The Government member of Australia repeated his explanation that its deletion radically changed the nature of the text to say the opposite of what seemed to be the emerging consensus: deleting "only" shifted the emphasis to "shall", with the result that the new phrasing meant the system was mandatory.

91. The Government member of France pointed out the current French text would need to be changed, if "only" was kept.

92. At this stage, the Chairperson proposed a consolidated text taking into account various observations on the amendment proposed by the Workers' group.

1. Nothing in this Convention shall be deemed to:

- (a) prevent a Member from maintaining a free public recruitment and placement service for seafarers in the framework of a policy to meet the needs of seafarers and shipowners, whether it forms part of or is coordinated with a public employment service for all workers and employers;
- (b) impose on a Member which maintains a free public recruitment and placement service for seafarers the obligation to establish a system for the operation of private recruitment and placement services.

2. Where private recruitment and placement services have been established they shall be operated within the territory of a Member only in conformity with a system of licensing, certification or similar authorization. This system shall be established or maintained only after consultation with representative organizations of shipowners and seafarers. Undue proliferation of such private recruitment and placement services shall not be encouraged.

The Government member of Sweden withdrew his amendment, which was now covered by the new, compromise text. The Government members of Chile and Greece as well as the Employers' group all withdrew their respective amendments. The amendment proposed by the Government member of Lebanon was not supported.

93. The Government member of the Netherlands (seconded by the Governments of Australia and Denmark) proposed a subamendment to the compromise text to replace "similar authorization" in paragraph 2 with "other regulation". The Netherlands had an adequately functioning public employment service for seafarers as part of the wider employment service, and wished to allow private agencies to operate. It opposed a licensing system on the grounds of its cost and lack of effectiveness. Substandard placement services were not affected by such a system and those that circumvented the law did not apply for licences.

94. The Government member of the United States proposed a subamendment on behalf of the Government group, to the effect that in paragraph 2, line 3, "similar authorization" be replaced by "other form of regulation". This was intended to remove obstacles to ratification. The subamendment was seconded by the Netherlands. As the earlier amendment by the Government member of the Netherlands proposing to add a reference to other regulations had been withdrawn, the subamendment was acceptable to the Workers' group. The subamendment was adopted.

95. The Employer Vice-Chairperson reiterated his group's primary objectives: the retention of "close supervision" and "after consultation". The Government member of the United States considered that much depended on the meaning given to "system" and that countries with licensing systems were not precluded from maintaining them.

96. An amendment proposed by the Government member of Portugal and seconded by the Government member of Germany suggested replacing "or maintained" by "maintained or changed" was adopted.

97. With the exception of the last sentence: "Undue proliferation of such private recruitment and placement services shall not be encouraged", the

compromise text was largely acceptable to the Committee. The Government member of Lebanon proposed a subamendment to delete this last sentence. The Government member of Australia restated the rationale behind inclusion of the sentence. The Government members of Argentina, Lebanon, Morocco and the Netherlands expressed support for the proposal made by the Government member of France that this point should appear in the Recommendation, not the Convention. The Workers' group felt strongly this should appear in the Convention, for the sake of the protection of seafarers. The Worker member of the United Kingdom expressed surprise at the degree of opposition to the inclusion of this text, which in his view placed no onus in law on a government. He outlined the situation in the United Kingdom which had witnessed the undue proliferation of such agencies over recent years and stressed the degree of feeling in the Workers' group on this, at a time when they were being asked to accept a shift in the Convention's philosophy from support for public agencies to support for private agencies.

98. The Government member of France drew attention to the important point that emphasis should be on the word "undue" not on "proliferation"; after all, legally established, responsible agencies were entitled to proliferate. The Government member of Australia made the same point.

99. The Committee proceeded to an indicative vote by a show of hands. There were 4,761 votes in favour of retaining the last sentence in the proposed compromise text; 4,347 against; and 1,242 abstentions.

100. Following the vote, the amendment was adopted. Article 2 was adopted as amended and subamended.

Article 3

Paragraph 1

101. The first amendment, submitted by Canada, concerned the application of the provisions of the Convention by means of national laws and regulations. In Canada, private recruitment and placement agencies are governed by the provincial laws and regulations and not by federal ones. To facilitate enforcement of the Convention, the Government member of Canada proposed to insert in the first line the words "made by the competent authority".

102. The Government members of Croatia, France, Morocco and Mexico introduced various alternative proposals to take into account the Government member of Canada's concern and to clarify the issue of the jurisdictions in different countries.

103. The Government member of the United States suggested, on behalf of the Government group, the addition of "applicable" before "regulations". This met the Government of Canada's concerns about the regulations of federal institutions so the Government member of Canada withdrew its amendment. The subamendment was adopted.

Subparagraph (a)

104. The Government member of Mexico withdrew an amendment which would replace the proposed text by the subparagraph "ensure that no fees for

recruitment or for providing employment shall, on any account, be incumbent upon the workers”.

105. The Government member of Lebanon submitted an amendment to add the words “illegal or unnecessary” before “fees”. She sought clarification on the concept of other charges.

106. The Workers’ group as well as the Government members of Mexico, the Netherlands and Spain opposed the amendment on the principle that no fees for recruitment and placement should be charged to seafarers.

107. On the suggestion of a Worker member, the Government member of Lebanon withdrew the word “illegal” in the amendment.

108. The Chairperson recalled that the proposed text of the Office reflected the Conclusion agreed at the 1994 Tripartite Meeting and, therefore, adding the word “unnecessary” before “fees” would imply that some fees would be charged to seafarers and would reopen the 1994 debate.

109. The Employer member explained that his group had seconded the amendment because ambiguities in the proposed text regarding fees chargeable to seafarers meant that further discussion was required, which could occur later, when the Committee discussed an amendment submitted by the Workers’ group to add a new subparagraph after subparagraph (d) of Article 3.2. His view was shared by the Government member of France.

110. The Chairperson confirmed that no member objected to the principle that no fees for recruitment and placement were chargeable to seafarers. He concurred with the Employer members’ proposal for further discussion on this issue.

111. On the basis of the Chairperson’s explanations and proposal for further discussion, the Government member of Lebanon withdrew the amendment.

112. The Government member of Chile submitted an amendment to add the words “in vessels sailing under national or other flags”.

113. The Employers’ group and the Government member of Australia opposed the amendment as this precision was already in the provision and therefore, superfluous. The Workers’ group supported the amendment. The Committee did not adopt the amendment.

114. The topic was further discussed in connection with the Workers’ group’s proposal to add a new 3.2(d).

Subparagraph (b)

115. An amendment submitted by the Government member of Chile to replace subparagraphs (b), (c) and (d) by “ensure that placement agencies or services act on behalf of the shipowner of the vessel on which the worker is recruited” was not discussed for lack of secondment.

116. The Government member of France submitted an amendment, to add the words “and under which conditions recruitment and placement services abroad can carry out their activity on its territory” in the provision concerning overseas recruitment and placement services. This proposal was intended to ensure that not only recruitment on national territory was monitored but also that of placement services abroad. The Government member of France felt that it was paradoxical

for a country to monitor its local agencies and not to be able to do the same for agencies located in another country which placed seafarers on the former's vessels and which had not ratified the Convention.

117. The Employers' group, although understanding the point of view expressed by the Government member of France, indicated that: (1) it would be difficult to make countries responsible for controlling legislation in other countries; (2) the object of the Convention was to set out certain conditions for recruitment and placement services and there were other instruments dealing with procedures after placement; and (3) the proposed amendment would imply that the placement State would ratify this instrument and not the labour-receiving countries.

118. The Workers' group supported the amendment as it would provide international protection to seafarers.

119. The Government members of Australia, Denmark and the Netherlands appreciated the concerns of the Government of France. They considered that the issue could be addressed either by other policy initiatives in "receiving countries" or by provisions in other instruments. The Government member of the Netherlands suggested that the matter be solved by adding "only in conformity with national legislation" in Article 2.2. The Government member of Denmark suggested to include a provision in Paragraph 2 of the Recommendation. The Government members of Australia and Croatia preferred to provide protection through other national laws and regulations, such as migration laws.

120. The Chairperson pointed out that ratifying States could only regulate the provisions of the Convention within their own territory. In his view, the amendment could be interpreted as meaning that non-domestic agencies might also be regulated, implying that States could regulate all agencies operating on their territory. He asked whether the Government member of France would be prepared to refer his proposal to the Recommendation.

121. The Government member of the Philippines noted that the proposed amendment concerned the capability of agencies outside the territory and raised the issue of their liability.

122. The Government members of Australia and France mentioned that there were three possible cases involved: (1) an agency in country A having a branch office in country B; (2) an agency in country A recruiting a crew in country B for ships registered in country A; and (3) an agency in country A recruiting a crew from country A for ships registered in country B.

123. The Employers' group stated that: (1) the flag State of the ship concerned was entitled to control conditions of recruitment; (2) the State in which the agency was established also had the authority to control conditions of recruitment; and (3) the Convention fills in this gap by regulating the behaviour of the recruitment and placement services. Therefore, the three cases mentioned would be covered in one way or another. He emphasized the importance for the Convention to be readily ratifiable and this would only be so if it stuck to its main objective and scope.

124. The Chairperson cautioned against the use of the word "shall" in the amendment, which would imply that if the amendment were adopted in the

Convention, it would be mandatory for ratifying States to apply it. Such mandatory clause might prevent States from ratifying the instrument. To allow for flexibility, he again suggested that the proposed amendment be included in the Recommendation.

125. The Government member of France withdrew the proposed amendment to this Article.

126. An amendment submitted by the Government member of Lebanon to insert the words "of their own nationality" after "seafarers" was not seconded and therefore not discussed.

127. Subparagraph (b) was adopted without change.

Subparagraph (c)

128. The Government member of Mexico submitted an amendment to replace the text in subparagraph (c) related to seafarers' privacy protection by the following: "Specify the conditions under which seafarers' personal data for purposes of recruitment may be used by recruitment and placement services for communication to a third person. In any event, this shall require the authorization of the person concerned." The justification for such an amendment was to protect seafarers' personal data for the exclusive use of recruitment purposes and to ensure that the permission of the person concerned be obtained before that use.

129. The Employers' group noted that the proposed amendment had its merits but that these, in their opinion, were outweighed by problems of practicability such as port procedures to be adhered to, cases of emergency, etc. It was perhaps more suitable for the Recommendation.

130. The Government member of the Philippines indicated that as the text proposed by the Office specified details of services, it was clearer than the first sentence of the amendment. The Workers' group shared this opinion and only supported the second sentence of the proposed amendment.

131. In order to contribute to the meeting's spirit of consensus, the Government member of Mexico withdrew the first sentence of the amendment and agreed to replace it by the Office text. However, she insisted on retaining the second sentence of the amendment in the Convention.

132. The Government member of Australia expressed his concern about the second sentence because there were already many privacy laws and proposed to add "in the absence of specific laws and regulations to the contrary".

133. The Chairperson suggested starting the second sentence with "Giving due regard to the right of privacy ...". This was accepted in principle and referred to the Drafting Committee.

Subparagraph (d)

134. An amendment to replace "applicable" with "relevant" was submitted by the Government member of the Netherlands. There being no opposition, subparagraph (d) was adopted as amended.

New subparagraph after subparagraph (d)

135. The Workers' group proposed a new subparagraph concerning basic human rights: "Ensure that recruitment and placement services do not jointly or individually operate in a manner prejudicial to seafarers being able to exercise their inherent human and trade union rights."

136. The Employers' group concurred with the philosophy of the proposed amendment but felt that it was not practical in administrative terms and proposed that the provision be incorporated in the Recommendation.

137. A member of the Workers' group indicated that, in spite of the existence of fundamental Conventions on basic human rights, malpractice still existed and seafarers continued to face many problems, such as blacklists. Therefore, this provision was vital to the Convention.

138. A member of the Employers' group pointed out that recruitment and placement services were only able to operate with a licence; the controls were already incorporated in the Convention and therefore, it was more a matter for the Recommendation. He also referred to an amendment for a new Paragraph 3 submitted by his group for the Recommendation.

139. The Government members of Australia, Croatia and Lebanon agreed with the Employers' group's position. The Government members of Chile and the United States agreed with the amendment.

140. The issue was taken up further in considering a new paragraph following paragraph 3.2(c). (See paragraphs 196 ff. of this report.)

Paragraph 2

141. The Employers' group submitted an amendment, in this paragraph which concerns the enforcement by the competent authority, to insert after "ensure" the words "by means of national laws or regulations". This was to balance the corresponding introduction to paragraph 1. The Workers' group and the Government member of Australia pointed out that paragraph 2 was addressed at administrations and that legislative means were not appropriate. The Employers withdrew their amendment.

142. The Government member of Chile submitted an amendment, seconded by the Government member of the Netherlands, proposing that, after the word "authority" in the first line, the remaining text in the paragraph, including subparagraphs (a), (b) and (c), be replaced by "supervise the recruitment services in accordance with its internal rules and the provisions laid down in this Convention". It was pointed out by the Chairperson that, if this amendment were adopted, no discussion of other amendments concerning these subparagraphs would be possible. The Government member of Chile explained that this amendment reflected the will of her Government to step up its responsibility of matching labour supply and demand through state means. This also implied making the State's control over private agencies more flexible. In view of objections from both the Employers' group and the Workers' group that the amendment did not follow the line adopted at the 1994 Tripartite Meeting, the amendment was withdrawn.

Subparagraph (a)

143. An amendment proposing to replace "closely supervise" with "supervise according to national regulations" was submitted by the Government member of the Netherlands. In view of objections from the Government member of Germany and from the Employers' group and the Workers' group that this formulation suggested that governments do not usually conform with their own regulations, the amendment was withdrawn.

144. Subparagraph (a) was adopted without change.

Subparagraph (b)

145. The Workers' group submitted an amendment to insert "applicable international instruments" after "and regulations". In the light of objections from several Government members that this addition was unnecessary and that inclusion of this further obligation on ratifying States might act as a deterrent to ratification, the Workers' group withdrew its amendment.

146. The Committee agreed that there was no need to remove the words "similar authorization" despite the amendment it had agreed to Article 2 to provide for "other form of regulation".

147. Subparagraph (b) was adopted without change.

Subparagraph (c)

148. The Government member of Mexico submitted an amendment, seconded by the Worker member of Argentina, in respect of the training of the management and staff of recruitment and placement services, by specifying "persons with appropriate training and knowledge of international Conventions on training and the certification of seafarers, especially those of the International Labour Organization, as well as relevant knowledge of the maritime sector". This was justified on the grounds that the staff of recruitment and placement services should have a minimum knowledge of international Conventions. Another amendment, that of the Government member of Lebanon, made the same point but limited the requirement to management. Several Government members were of the opinion that this proposal would more naturally be found in the Recommendation, notably Article 2(a) on qualifications and training. The amendment was withdrawn.

149. The amendment proposed by the Government member of Lebanon was not discussed for lack of secondment.

150. Subparagraph (c) was adopted without change.

New subparagraph after subparagraph (c)

151. The Workers' group submitted an amendment proposing the addition of a new subparagraph after subparagraph (c), stating: "(d) prevents seafarers from being held liable for the costs attendant to any medical examinations, issuance of visas or other documents which are required for placement on board a specific ship."

152. The Workers' group recalled that this issue of principle had been before the 1994 Tripartite Meeting. There was no justification for the seafarer

bearing such costs as those associated with medical examinations, transport to ship, obtaining visas necessitated by a ship's location at the time of joining.

153. The Employers' group considered this was an employment relation matter and hence not appropriate for the Convention. A member of the Employers' group referred to Article 3, paragraph 1, subparagraph (a) which expressed the principle that seafarers should not pay to obtain a job. However, he did not consider that potential employers should pay for seafarers' personal documents, such as passports. The Workers' amendment was too categorical for him to be able to support it. The Workers' group indicated their willingness to look again at what costs the seafarer should bear.

154. The Employers' group proposed a subamendment as follows: "specify that seafarers shall be responsible only for meeting the costs of national statutory medical examinations, certificates and personal travel documents of country of domicile;".

155. The Workers' group stated this would be acceptable if the words "examination" and "document" were both in the singular, if the subamendment stopped before "of country of domicile", and if "as appropriate" was added at the end, since in some countries no charge is made for these costs.

156. The Government member of Australia objected that this proposal specified only what the seafarer was responsible for but was silent on who was responsible for other costs. The Workers' group pointed out that national statutory requirements were covered under the chapeau.

157. The Employers' group objected that the discussion was slipping away from consideration of the situation of a person presenting him or herself for employment at recruitment and placement services. The group could accept "examination" in the singular but insisted that "travel documents" be in the plural.

158. The Chairperson sought to capture the feeling of the meeting and proposed the two ideas be treated separately, i.e. that Article 3, paragraph 1, subparagraph (a) could have an additional reference saying "for the purposes hereof the costs of a national medical examination, certificates and a personal travel document shall not be treated as fees or other charges for recruitment", and that there was no fee chargeable to the seafarer for recruitment and placement. The Employers' group accepted the Chairperson's proposal except for the absence of plural for travel documents.

159. The effect of the proposal would be that the seafarer might have to pay for the costs of becoming a seafarer as defined in this Convention. The seafarer might have to pay for the costs of necessary medical examination, certificates, a personal travel document and the seafarer's book, required under the national regulations of the country of the recruitment and placement service. However, he would not be required to pay for any supplementary documents required by a particular placement.

160. The Government member of the Netherlands considered the seaman's discharge book should also be included, and was supported by the Workers' group. The Employers' group objected to making specific additions as these would tend to increase the problem and considered that a "travel document" was

a generic term. The Government member of the Netherlands then suggested to change "travel document" to "personal documents", since the seafarer's book was not a travel document.

161. The Chairperson suggested that the term "personal documents" would be construed reasonably in every country.

162. The proposal for a new subparagraph after subparagraph 3.2(c) was withdrawn. The Committee agreed that subparagraph 3.1(a) would be amended as subamended above. It was referred to the Drafting Committee for final consideration.

Additional new subparagraph after subparagraph (c)

163. An amendment submitted by the Workers' group proposed adding the following new subparagraph:

- (e) requires that there are sufficient funds available to cover the wages owing to seafarers and to meet the costs of the repatriation of the seafarers in cases of bankruptcy or insolvency of a shipowner, through, as appropriate, the establishment of a guarantee fund or the posting of a bond or a requirement that appropriate third-party liability insurance has been concluded; and

164. The subject of a guarantee fund had been discussed at the 1994 Tripartite Meeting but rejected by the Employers and governments (reference was made to Report III, page 29, last paragraph). The Workers' group was putting the proposal before this Committee and expanding it to involve the shipowners as well as the recruitment and placement services in such a fund, so that unpaid wages and repatriation costs could be covered. Seafarers had to work away from home and country for long periods, could not leave their ships and were sometimes stranded. It reiterated its view that employers should be concerned not only with recruitment and placement but also with what happened to seafarers subsequently. The United Nations Convention on Conditions for Registration of Ships, 1986 stipulated that seafarers' contractual conditions should be protected by measures such as bonds, a guarantee fund or a liability insurance system.

165. The Government member of France considered a guaranty system should be set up to cover situations when recruitment and placement services recruited seafarers in one country for work on ships flying the flag of another; but he wondered whether this would better be placed in the Recommendation.

166. The Government members of Croatia and Germany opposed the amendment. The latter also considered that Convention No. 9 sought to help seafarers, not deal with the problems of economic risks, and urged the workers to limit their requirement to the establishment of third-party liability insurance by the recruitment and placement services. The Government member of the United States agreed with the last point.

167. The Government member of the Philippines pointed out there were other reasons to repatriate besides insolvency and bankruptcy, for example, default of shipowners or ship managers or indeed of the seafarer. Agencies should have some type of liability jointly or severally. The Government member of Greece said he shared the Workers' group's feelings but felt that other instruments would be appropriate to deal with repatriation, insolvency and bankruptcy, and relevant matters.

168. The Employers' group pointed out that the Office text was concerned with public and private recruitment and placement services only, not a possible future default by employers.

169. The Workers' group submitted a redrafted text as a subamendment to its earlier amendment. This subamendment stated that: "The competent authority shall require that either the recruitment and placement agency or the shipowner shall adopt practical measures to protect seafarers from being left stranded in a foreign port and crews' wages in the event of the employer becoming insolvent."

170. The Worker member of India explained that the Workers' group had omitted all contentious references to a guarantee fund and placed the onus on the competent authority to ensure repatriation and payment of wages in the event of the employer's insolvency. Seafarers deserved respect and should no longer experience the humiliation of learning that their children were sent home from school because of unpaid fees consequent upon their own unpaid wages. A seafarer stripped of his dignity became a subhuman, a zombie unable to have an impact on his personal situation, and hence a safety hazard to himself, to other seafarers, to his ship and to the marine environment.

171. The Employers' group was surprised to see the contents of this new text; it reiterated its position that Convention No. 9 was concerned with recruitment and placement and that other measures existed to cope with the contingencies outlined here. The problem with this proposal was that it placed a burden on the good shipowners to subsidize the bad shipowners and focusing on such nefarious activities ran the risk of rendering the measure difficult to implement. The aim of the group remained the wide ratification of the revised Convention. In the group's view, the problem could be resolved but not in this way and, indeed, the solution was unlikely to be found at this Maritime Conference. It considered a great deal more work was needed on this question and suggested that the Office conduct a study of existing practices in both public and private agencies in this regard. The matter could perhaps be raised in a Recommendation placing the onus on agencies to ensure that the shipowners with whom they placed seafarers would honour their commitments to their workers.

172. The Government member of the Philippines supported the amendment but considered that repatriation should be extended to cover contingencies other than just insolvency.

173. The Workers' group referred to the resolution unanimously passed at the 1991 Joint Maritime Commission (JMC) on the question of standards to protect seafarers, specifically the operative part calling on the Governing Body to take steps to recommend to member States that legislation and practical measures be adopted to protect wages in cases of insolvency, notably when seafarers found themselves in a foreign port. Technical difficulties were now being raised, but this resolution and other related ones had had no tangible impact on the difficulties experienced by seafarers; nor had the Governing Body of the ILO provided any practical follow-up.

174. The Government member of Sweden supported the Workers' subamendment but proposed a sub-subamendment adding "or by means of the applicable national law or regulations" to "the adoption of practical measures".

175. The Government member of Australia agreed with the Employers that the Convention was not the place for such issues to be raised. He suggested the adoption of a resolution, urging the rapid ratification of the Repatriation of Seafarers Convention (Revised), 1987 (No. 166) in view of its link with Convention No. 9. The Workers' group pointed out that Convention No. 166 did not cover wages and reiterated its insistence on the adoption of practical measures.

176. The Chairperson recalled that, while Convention No. 166 covered repatriation grants, claims on wages were included in Report II before this Conference (on the revision of the Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958 (No. 109)). He reminded the meeting that while nothing prevented it from including practical measures in the revised Convention, these should not contradict Convention No. 166 or the conclusions of another Committee.

177. A member of the Employers' group pointed out the very low level of ratification of the Repatriation of Seafarers Convention (Revised), 1987 (No. 166) and the Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173), which indicated that such issues (whether included here or in other Conventions) did not attract ratification. This should be borne in mind in the work of this Committee. He supported the idea of a resolution on this question, as did the Government member of Greece. The Government member of Australia pointed out that, unlike the 1991 JMC resolution, governments would be part of any resolution passed by this Conference, i.e. they would be addressing themselves, which would amount to an incentive to act.

178. The Government member of Chile did feel this subamendment addressed the concerns of this Convention and that it would inject a professional approach into the work of recruitment and placement agencies.

179. In response to the suggestion that a resolution might be adopted, the Chairperson proposed an extension of the deadline for this resolution.

180. In order to avoid recourse to a vote, the Chairperson proposed a text that built on the subamendment of the Government of Sweden and proposed the following text: "A Member shall ensure that the recruitment and placement agencies shall establish adequate mechanisms to provide a means of redress to seafarers stranded in foreign ports."

181. The Government members of Australia, Spain, the United States and Uruguay supported the Chairperson's text, as did the Employers' group. The Government member of the Netherlands also did so, but on condition that it included after the word "seafarers" the words "on ships with its national flag". The Workers' group reluctantly accepted the Chairperson's proposal, but did not agree with the proposal of the Government of the Netherlands, considering that governments legislate for their nationals, not for their flagships.

182. Referring to the proposal that the words "on ships with its national flag" be added, the Government member of Croatia reminded the meeting that, as these recruitment and placement agencies employed not just their own nationals but all seafarers, she could not support the proposal.

183. The Chairperson specified that his proposal was intended to cover nationals of the regulating States, whereas the Government of the Netherlands sought to include seafarers of ships flying the flag of the country concerned.

184. Seeking to refocus the debate, the Government member of France felt that the proposal should make sure agencies were held to their responsibilities, i.e. he felt that the text should seek to address malpractice. The Chairperson stated that being stranded had not necessarily anything to do with malpractice.

185. Consideration then continued on the basis of a text proposed by the Government member of Belgium:

Recruitment and placement services shall take measures to seek information on the worthiness of the practices and the solvency of shipowners requesting their services; the governments shall facilitate research, accessibility and transmission of this information. These obligations are best-endeavour obligations rather than obligations to produce a specific result.

186. After further discussion, the following text was proposed for a new subamended subparagraph (f): "ensures that insurance or an appropriate measure providing equivalent protection is maintained to compensate seafarers and shipowners having incurred monetary loss as a result of the failure of a recruitment and placement service to meet its obligations to them".

187. This subamendment attracted the support of both Employers and Workers.

188. The Government member of Canada suggested rewording the first line to read: "ensures that protection such as insurance or an appropriate measure is maintained", to emphasize protection rather than insurance. Both the Workers' and Employers' groups accepted this change.

189. The Government member of the Netherlands suggested the deletion of "and shipowners" and this was agreed.

190. In answer to a request from the Government member of Lebanon for clarification about the obligations involved, the Chairperson explained that the proposed text clarified the obligation on the recruitment and placement services such as passing on wages paid to them by the employers. It would not place an obligation on the recruitment and placement service where the fault was on the part of the employer.

191. The Government member of the Russian Federation sought an explanation of the mechanism proposed and gave as an example the not infrequent situation in which a Russian seafarer was recruited by an Ukrainian agency to serve on a ship flying the Panamanian flag, whose owner was Greek. The Chairperson explained that the relevant factor would be the Ukrainian recruitment and placement service which had the obligation to ensure some form of protection to the seafarer. If the Russian Federation ratified the Convention and if the agency was operating in that country, then Russian law would apply. He reiterated that this Article addressed provisions applying to recruitment and placement services, not to shipowners.

192. The Government member of Lebanon stated that her agreement to this Article was subject to the agreement of the competent authority in Lebanon.

193. The new subparagraph as subamended was adopted.

194. After consultation between the groups, the subamendment was submitted by the Chairperson, proposing the following new subparagraphs after subparagraph (c):

requires that recruitment and placement services adopt measures to ensure, as far as practicable, that the employer has the means to protect seafarers from being stranded in a foreign port;

ensures that insurance or an appropriate measure providing equivalent protection is maintained to compensate seafarers and shipowners having incurred monetary loss as a result of the failure of a recruitment and placement service to meet its obligations to them.

195. The new subparagraph as subamended was adopted.

Additional new subparagraph after subparagraph (c)

196. The Workers' group submitted an amendment proposing to insert a new subparagraph to Article 3.2, which stated: "(f) prevents recruitment and placement services from establishing means, mechanisms or lists which could prevent or deter seafarers from exercising their inherent human and trade union rights."

197. Subsequently, the Workers' group submitted a subamendment for a new Article stating: "Nothing in this Convention shall in any manner prejudice a seafarer's ability to exercise his or her inherent human and trade union rights. The competent authority shall require that recruitment and placement services do not undertake practices which could prevent or deter seafarers from exercising these rights."

198. The Workers' group considered this necessary in order to combat the documented abuses, deficiencies and dangers associated with substandard ships, especially in countries where inherent human and trade union rights were not respected.

199. A lengthy discussion followed regarding the inclusion of the concept of inherent human and trade union rights in this Convention. The Employers' group shared the seafarers' deep concern about unacceptable working conditions; nevertheless the Employers did not consider the inclusion of a reference to such rights appropriate in this Convention, which they wished to see contain practical, strong measures that could be ratified and acted upon.

200. The Workers' group subamendment attracted widespread support among Government members, with 11 speaking in favour of it (Finland, France, Greece, Morocco, Norway, the Philippines, Poland, Portugal, Spain, Sweden, the United States).

201. The Employers' group then proposed a subamendment to the effect that if a statement in relation to human rights was to be made, it should be separate from operative provisions.

202. The Government member of Australia felt that it was impractical to include "inherent" human and trade union rights since these could not be specifically identified. The Workers' group restated their position emphasizing that they saw respect for human rights as a minimum objective and that this Convention was an opportunity for all concerned to demonstrate their commitment to basic human rights.

203. The Chairperson sought to build consensus on the proposal that the Convention instead include provisions addressing the areas in which malpractices occurred in the maritime industry. He added that dealing with "inherent human rights" within the context of positive law may actually be paradoxical, as those rights would then cease to be inherent; that while the Philippine Government is a strong advocate of respect for human rights, a Convention on the recruitment and placing of seafarers would not be the appropriate forum to address them. He further added that this was a matter of utmost sensitivity and that if the Committee and the Maritime Conference were to deal with it, the repercussions could be serious.

204. Following a protracted debate, discussion centred upon a compromise proposal involving a new Article arising from the first sentence of the Workers' group's subamendment; a new paragraph arising from the second sentence in the Workers' group's subamendment; a new paragraph on stranded seafarers (see paragraphs 163-185); and a new paragraph on insurance (see paragraphs 186-195).

205. Based on an earlier proposal of the Employers' group, the Chairperson proposed, as part of the compromise package, the insertion of the following subparagraph after subparagraph (c): "prevents recruitment and placement services from establishing means, mechanisms or lists intended to prevent or deter seafarers from exercising their employment rights."

206. The Workers' group proposed a minor amendment deleting "exercising their employment rights" and substituting "gaining employment". This reflected their wish to refer specifically to abuses of paramount concern to seafarers, such as the misuse of lists.

207. The Workers' group and the Employers' group both supported the amended text, as did the majority of Government members.

208. The Government member of Lebanon asked why "his or her" were specified in this Article and were not so specified elsewhere in the Convention. The point was taken by the Chairperson, who referred it to the Drafting Committee.

209. The Government member of Croatia stated that while not opposing the compromise package, she did not consider the Convention an appropriate instrument to refer directly to human rights, and especially not in an operative Article. Various Conventions were to be listed in the Preamble and she felt that this was the appropriate place for such a reference.

210. The new Article after Article 2, as amended and subamended, was adopted.

New paragraph after paragraph 2

211. The Government member of France submitted a text for a new paragraph to Article 3. His text stated: "Nothing in this Convention affects the right of a Member to apply laws and regulations in relation to the recruitment and placement of seafarers for ships flying its flag". Though both Employers and Workers felt this proposal was superfluous they accepted it to avoid the need for further discussion.

212. The amendment of the Government of France, establishing a new paragraph after paragraph 2, was adopted.

Article 4

Paragraph 1

213. An amendment in respect of the register of seafarers, submitted by the Government of Lebanon, inserting the words "according to the rule set up by the competent authority", was not discussed by the Committee as it was not seconded.

214. Paragraph 1 was adopted without change.

Paragraph 2

Subparagraph (a)

215. The Government member of Greece submitted an amendment to insert after the second word "and" the word "or". The amended text became therefore: "(a) any seafarers recruited or placed by them are qualified and hold the certificates and/or other documents necessary for the jobs concerned;".

216. Both Employers' and Workers' groups supported the amendment. Subparagraph (a) was adopted as amended.

Subparagraph (b)

217. The Employers' group submitted an amendment to replace in line 2 the word "and" with "or" to facilitate the application of the instrument. He explained that it would be difficult to ensure that contracts of employment and articles of agreement would be in accordance with applicable laws, regulations *and* collective agreements.

218. The Workers' group and the Government members of Belgium, Chile, France, Lebanon, the Netherlands and Norway opposed the amendment on the grounds that collective agreements were in conformity with laws and regulations and were often more favourable to seafarers than national laws.

219. The Employers' group withdrew the amendment.

220. Subparagraph (b) was adopted without change.

Subparagraph (c)

221. No amendment was proposed and subparagraph (c) was adopted without change.

Subparagraph (d)

222. The Government member of Mexico submitted an amendment, seconded by the Government members of Argentina and France, to the effect that seafarers should obtain a copy of their employment contract. She proposed to delete the words "and after" and insert at the end of the subparagraph the words "and for the person concerned to receive a copy".

223. The Government member of Australia queried the deletion of the words "and after". The Government member of Mexico explained that that sentence had been discussed at the 1994 Tripartite Meeting with a view to giving seafarers the

opportunity to examine their contractual conditions at any time by giving them a copy of their contract.

224. The Employers' group voiced a practical problem as the articles of agreement were on the ship and seafarers had access to them upon recruitment, when boarding the ship.

225. The Government member of Spain supported the amendment.

226. The Workers' group proposed a subamendment to add at the end of the amendment the words "of the contract of employment".

227. The Employers' group and the Government member of Lebanon accepted the proposed subamendment and withdrew their respective amendments.

228. The Government member of Japan stated that the contracts of employment should be in accordance with national laws and practices, and be left to the discretion of States.

229. Subparagraph (d) was adopted as subamended. It thus read as follows: "proper arrangements are made for seafarers to examine their contracts of employment and the articles of agreement before they are signed and for the person concerned to receive a copy of the contract of employment."

New paragraph after paragraph 4.2

230. The Government members of Australia and the Netherlands submitted a new paragraph which stated: "The obligations and responsibilities of the shipowner and the master are not in any way diminished by paragraph 4.2."

231. The Government member of the Netherlands explained that the obligations contained in paragraph 4.2 were already the obligations of the shipowners and the master in the Netherlands.

232. The new paragraph after paragraph 4.2 was adopted as amended.

Additional new paragraph after paragraph 4.2

233. The Government member of France proposed a new paragraph to regulate non-governmental recruitment services. The proposed paragraph stated: "Any non-governmental recruitment and placement services shall be subjected to continued supervision in conformity with a system of quality standards in order to guarantee the achievement of the above objectives".

234. The Employers' group, the Government members of Australia and of the Netherlands and the Chairperson indicated that the issue of quality standards control was already covered by either Article 2 or Article 3.2. They proposed to include the amendment in the Recommendation. The Employers' group also proposed to delete the word "non-governmental".

235. The Workers' group and the Government member of France accepted that the amendment could go in the Recommendation even though they would have preferred to see it in the Convention.

236. Article 4, as amended and subamended, was adopted.

Article 5

Paragraph 1

237. The Workers' group submitted an amendment to ensure that: (a) complaints submitted by seafarers were examined; and (b) there was compliance with employment conditions on board ships. The proposed amendment was stated as follows: "All recruitment and placement services shall promptly examine and respond to any complaints concerning seafarers' employment on board ships. When complaints are made concerning safety, welfare, wages, or substandard conditions on board ships, recruitment and placement services shall advise the competent authority of such complaints."

238. The Vice-Chairperson of the Employers' group considered that, by defining too closely the complaints, the amendment could undermine the applicability of the instrument. He noted that conditions of employment on board ships were outside the scope of this instrument, which covered the activities and conditions of recruitment and placement services.

239. The Government members of Australia, Croatia, France, United Kingdom and the United States shared the view of the Employers' group and stated that standards on working conditions on board ships were already covered by IMO instruments and by the ILO Protection against Accidents (Dockers) Convention, 1929 (No. 28) and the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147). The Government member of Uruguay specifically referred to the safety standards on board ships, covered by the IMO instruments.

240. The Government members of India, Lebanon and the Netherlands questioned why complaints should be submitted to the recruitment and placement services and not to the competent authority through the normal legal procedures. The Government member of Lebanon considered this particularly important in cases pertaining to wages and safety matters.

241. The Government member of the Netherlands also made reference to his amendment requiring referral to the competent authority of unresolved complaints about recruitment and placement services, to remove the obligation for these services to examine and respond to any complaints from seafarers concerning other activities. This obligation put on recruitment and placement services to report violations of the rules inflicted by themselves seemed illogical. The amendment was supported by the Government members of Australia, India and the United States.

242. The Government member of Morocco supported the amendment proposed by the Workers' group and suggested a subamendment to replace the word "promptly" by "as soon as possible" which would strengthen the meaning.

243. The Chairperson summarized the debate by stating the discussion was on two major issues: (a) whether or not employment conditions were within the scope of this Convention and (b) whether or not the recruitment and placement services should be a conduit for complaints.

244. The Chairperson pointed out that there were three principles or concepts at stake:

- (a) any complaints made by seafarers to the recruitment and placement services concerning their activities should be promptly examined; if they were “unresolved”, they should be submitted to the competent authority;
- (b) any complaints submitted to the recruitment and placement services on matters beyond their scope should be conveyed by these services to the competent authority;
- (c) nothing in the Convention should prevent seafarers from going directly to the competent authority.

245. On the basis of these three principles, the Chairperson submitted the following draft text for discussion:

All recruitment and placement services shall examine and respond to any complaints concerning their activities and shall advise the competent authority of any such unresolved complaints.

Where complaints concerning safety, welfare, wages or substandard conditions on board ships are brought to the attention of recruitment and placement services, they shall forward such complaints to the competent authority.

Nothing in this Convention shall prevent the seafarer from bringing any complaints directly to the competent authority.

246. The Government member of Croatia noted that the term “competent authority” in paragraphs 2 and 3 had a different meaning from that in paragraph 1, the latter being the competent authority in Article 1. To avoid confusion, the Government member of Australia proposed a subamendment to replace the term “competent authority” in paragraph 2 with “appropriate regulatory authority”, which would also apply to foreign authorities.

247. The Government member of France, for the purposes of clarity, suggested adding “and the appropriate regulatory authority” at the end of paragraph 3.

248. The Chairperson endorsed the new wording and proposed to refer these two subamendments to the Drafting Committee for consideration.

249. The Employers’ group accepted the amendment and proposed a subamendment to delete “safety, welfare, wages or substandards” in paragraph 2.

250. The Workers’ group opposed the subamendment because the wages issue was different from substandard conditions on board ships.

251. The Chairperson concurred with the Employers’ group and considered that to include too specific categories of complaints would have the effect of limiting the provision and this limitation would not be in the seafarers’ favour. The Government member of the Russian Federation added that it would be difficult for the recruitment and placement services to appreciate a complaint could be forwarded to the competent authority.

252. The Government member of the Netherlands proposed a subamendment to replace “safety, welfare, wages or substandard conditions” with “working and living conditions”.

253. Several Government members (Canada, Croatia, Belgium, France, Lebanon and the Philippines) supported the subamendment.

254. The Employers' and Workers' groups expressed their agreement in principle, although they had some reservations.

255. The Government member of Greece proposed a subamendment to add after the word "competent" "flag State". The Chairperson and the Government member of Australia explained that "flag States" were already covered by "appropriate regulatory authority".

256. The Workers' group withdrew the amendments pertaining to Article 5.2 in support of the subamendment to paragraph 2 proposed by the Government member of the Netherlands.

257. The Government member of Croatia raised the issue of the logical order of the amended and subamended paragraphs under Article 5. She proposed the following order: (1) the first paragraph of amendment; (2) paragraph 5.2 of the text proposed by the Office; (3) the second paragraph of the amendment; and (4) the third paragraph of the amendment. The proposal was supported by the Government member of the United States.

258. The Workers' group proposed a different order of paragraphs which consisted of inserting the Office text on paragraph 5.2 at the end of the amended and subamended draft text as paragraph 4 of Article 5.

259. The proposal of the Government of Croatia was accepted and adopted.

260. Article 5, as amended and subamended, was adopted, subject to consideration by the Drafting Committee.

Article 6

261. With respect to the freedom of choice of seafarers and shipowners, the representative of the Workers' group explained that 70 years ago when Convention No. 9 was adopted, seafarers were not obliged to accept employment on a particular ship. Today many seafarers had to accept assignment on board ships not necessarily of their choice. For that reason the Workers' group had proposed deletion of the Article.

262. The Employers' group and several Government members believed that the principle of the freedom of choice for the seafarers and shipowners should be maintained, but stressed that Article 6 should be changed to reflect the reality of modern shipping.

263. The Government members of Australia and the Netherlands proposed an amendment to replace the Office text as follows: "A seafarer shall have the right reasonably to refuse placement in a particular ship and a shipowner shall have the right reasonably to refuse placement of a particular seafarer."

264. The Government member of Lebanon submitted an amendment to insert in Article 6 the words "during the employment proceedings" after "shipowners".

265. The Government members of Greece, France, Liberia, the Russian Federation, Ukraine and Uruguay supported the amendment proposed by the Government members of Australia and the Netherlands. The Government member of France added that this amendment might be grouped with the one submitted by the Government member of Lebanon to reflect the relative freedom of choice from both parties concerned.

266. The Government member of India found the amended form of Article 6 unacceptable because in India there was a roster of seafarers assigned to a particular vessel to ensure an equitable distribution of jobs. He supported the Workers' group's proposal to delete Article 6.

267. The Workers' group indicated that the proposed amendment to revise Article 6 was superfluous and queried the meaning of reasonableness because: (a) the Convention did not refer to a system of rotation and no penalties were provided for placing certain persons on certain ships; and (b) in case of a seafarer not wishing to join a specific ship, there was no provision for arbitration.

268. The Employers' group stated that their preference would be for the amendment proposed by the Government members of Australia and the Netherlands, but that they would also be able to accept the Workers' group's proposal. The Government members of Australia and the Netherlands then withdrew their amendments and as a result the Workers' group's amendment to delete Article 6 was adopted.

269. Article 6 was deleted.

Article 7

270. An amendment was submitted by the Government member of Lebanon to add after Article 7 new Articles containing the final provisions to reflect in the final provisions the need to address the problem of denunciation. The Chairperson replied that the final clauses of a Convention were the responsibility of the Conference Drafting Committee. As these concerned standard final provisions, there is limited scope for introducing changes, for instance, the number of countries required for the Convention's entry into force and tonnage of vessels required.

271. The Government member of Denmark suggested that the denunciation of Convention No. 9 might be treated in a similar way to denunciation of Conventions from No. 27 onwards. Following the general discussion on the legal issue raised by denunciation of the Convention and closure to new ratification of Convention No. 9, the representative of the Secretary-General, after consultation with the Legal Adviser, introduced the following note:

Denunciation and closure to new ratifications of Convention No. 9

The Committee points out that Convention No. 9, which may be denounced at any time, does not contain a provision to exclude the possibility of fresh ratifications when a Convention revising it enters into force. The Working Party on Policy regarding the Revision of Standards set up by the Governing Body,² is at present examining the

² With a view to improving the practice and results of the organization in the area of its standard-setting policy, the Governing Body approved a proposal from its Committee on Legal Issues and International Labour Standards (LILS) to set up a Working Party on Policy regarding the Revision of Standards. At its first two meetings in November 1995 and March 1996, the Working Party specified the criteria and methodology to be adopted for examining the Conventions. It was agreed first to proceed with a case-by-case examination of the Conventions as each instrument had specific characteristics. It drafted a number of recommendations which were approved by the Committee on Legal Issues and International Labour Standards and the

situation with respect to other Conventions which do not concern the maritime sector. The Committee therefore hopes that the Governing Body, in the course of its work on policy regarding the revision of standards, might examine the situation of Convention No. 9, particularly taking into account the fact that the revising Convention contains provisions which might be counter to those of Convention No. 9.

272. The Representative of the Secretary-General indicated that the only aspects of final clauses that may be discussed in the Committee are the number (and possibly tonnage) of countries necessary for a Convention to enter into force.

273. The Government member of Croatia recalled that before Convention No. 27 there was no such provision and suggested referring to Convention No. 138 which had a formula dealing with this problem. She proposed to submit the text rather than providing for an *ipso jure* denunciation.

274. The Government member of the Netherlands also agreed that a ratification should imply denunciation.

275. In answer to a question raised by the Government member of France, the Chairperson stated that the denunciation of the original Convention upon ratification by a member State of the new Convention, but prior to the new Convention entering into force, would take effect only on the date the new Convention did enter into force.

276. Concerning the number of countries required for the Convention's entry into force and tonnage of vessels covered, the Workers' group proposed that the minimum number be two — as was common practice — and that no mention be made of tonnage, as it was inappropriate.

277. The Employers' group expressed agreement with the Workers' group's proposal.

278. The Committee adopted the minimum number of States for ratification to be two.

Discussion of the proposed Recommendation concerning the recruitment and placement of seafarers contained in Report III

Preamble

279. There were no amendments to the Preamble and it was adopted without change.

Paragraph 1

Clause (a)

280. There were no amendments to clause (a) and it was adopted without change.

Governing Body at its 264th and 265th Sessions (November 1995 and March 1996) concerning proposals of revision, the setting aside of Conventions, the possibilities of abrogating or terminating certain Conventions and the promotion of ratifications. See for instance GB.264/9/2, paragraph 16 and GB.265/8/2, paragraph 24.

Clause (b)

281. The Government member of Mexico submitted her amendment to replace Paragraph 1, clause (b) on the employment market for seafarers with: "Take account of the needs of the maritime industry at both the national and international levels, when developing training programmes for seafarers, with the participation of shipowners, seafarers and the relevant training institutions."

282. The speaker explained that the intention of this amendment was to address the supply side of the maritime industry and that all aspects of training were targeted and at all levels. She did not think that any authority could adjust the employment market and that the arrangement provided for in clause (d), sub-clauses (i) to (v) would help towards this aim.

283. The Government member of the Russian Federation acceded to the Chairperson's request that his proposed amendment, which addressed the same issue, be examined simultaneously with this amendment.

284. Several Government members and the Employers' group agreed with the Government of Mexico.

285. The amendment of the Government member of Mexico was adopted.

Clause (c)

286. As the amendment of the Government member of Lebanon was not seconded, it was not considered.

Clause (d), sub-clause (i)

287. The Government member of Croatia accepted that her proposed amendment, on statistics in respect of supply of seafarers, be withdrawn in favour of that of the Government member of the Netherlands on the same subject.

288. The Workers' group submitted an amendment proposing the replacement of "sex" with "gender" in relation to the collection of information on the maritime labour market.

289. There followed a discussion about the respective meanings of sex and gender. Sex was agreed to be the appropriate term in the collection of statistics, the subject of this subparagraph; gender was the appropriate term for anti-discrimination programmes or platforms of action. There being no support for this proposal, the Workers' group withdrew their amendment.

290. The Government member of the Netherlands submitted an amendment, seconded by the Government member of Croatia, which proposed that after "requirements;" be stated the following: "the collection of data on age and sex being only admissible for statistical purposes or if used in the framework of a programme to prevent discrimination based on age and sex;"

291. The Government member of the Netherlands explained that in his country the use of data on age and sex was forbidden unless it was for anti-discrimination purposes.

292. The amendment of the Government member of the Netherlands was adopted.

Clause (e)

293. The Employers' group submitted an amendment proposing to insert, in the text on the qualifications of staff of recruitment and placement services, after "industry" the following text: "and should not previously have been disqualified under the laws of their country from holding office in business ventures".

294. The Employers' group explained the intention was to strengthen the Recommendation. The Government member of Mexico submitted a subamendment to insert after "disqualified" the words "by the competent authority". She subsequently suggested that reference be made to the "appropriate" or "relevant" authority to take account of the courts which were not covered by the "competent authority" as defined in this Convention.

295. The Government member of Germany spoke of the Convention's intention to avoid the recruitment of unqualified staff by the recruitment and placement services, including persons with criminal convictions. The Government member of Australia considered that the text should be put in the present tense, i.e. indicate someone "who is currently disqualified", since in his country, at least, there was legislation on "spent convictions".

296. The Government members of Chile and France recalled that the text of clause (e) concerned persons responsible for the supervision of recruitment and placement services, thus the representatives of the competent authority. The Chairperson suggested an alternative wording, namely "and should not have been disqualified by the competent authority from holding office in such capacity", although this did pose the dilemma that if someone was disqualified they should not be holding office. The Workers' group proposed the wording "holding office of trust", but agreed to the Chairperson's suggestion that this await examination of the Employers' group amendment to Paragraph 3. Clarification on the point raised was provided by a representative of the Office to the effect that this provision was intended to ensure that the competent authority had the requisite skills for the supervision of services, as is the case with other instruments concerning inspection.

297. The Employers' group withdrew its amendment.

Clause (f)

298. The amendment, which was originally submitted by the Government member of France as an amendment to Article 4.2 of the draft Convention, was resubmitted as an amendment to clause (f) of the draft Recommendation on codes of conduct. The amendment added at the end of the sentence the following: "... and in particular, recruitment and placement services shall be subject to continued supervision in conformity with a system of quality standards."

299. The Government members of Australia, Belgium, Chile, Morocco and Uruguay supported the proposed amendment while the Government member of the Netherlands opposed it.

300. Clause (f), as amended, was adopted.

Paragraph 2

Clause (a)

301. An amendment was submitted by the Government member of Mexico proposing an addition at the end of the text, on provisions dealing with qualifications of staff, as follows: "including a knowledge of Conventions on the training and certification of seafarers and of ILO Conventions, as well as a knowledge of the maritime sector".

302. The Government member of Mexico explained that persons recruiting seafarers should have a basic knowledge of ILO Conventions and of certification. The Workers' group was in favour, but the Employers' group doubted the practicality of the proposal. The Government member of the Philippines proposed a subamendment to refer to "international Conventions" which would cover relevant Conventions other than those of the ILO. The Government member of Mexico found this subamendment acceptable. The Employers' group considered that Paragraph 2, clause (a) was covered by Paragraph 1, clause (e), which contained the word "relevant".

303. The Chairperson suggested an alternative text: "including a knowledge of international Conventions and Recommendations on the training and certification of seafarers, as well as a knowledge of the maritime sector.". The Government member of Lebanon suggested replacing "Conventions" by "instruments"; the subamendment was agreed. The Government member of the Russian Federation felt the knowledge should be limited to "relevant international instruments".

304. Clause (a), as amended and subamended, was adopted.

New Paragraph after Paragraph 2

305. The Employers' group introduced a new Paragraph to spell out operational standards, as follows:

In particular, the operational standards referred to in clause 1(f) should provide that:

- (a) The agency should maintain full and complete records of the seafarers on its roster list or other form of engagement system (unless such records are maintained by a central body to which the agency has immediate access). Such records should include but not be limited to:
 - (i) the seafarers' qualifications;
 - (ii) record of employment;
 - (iii) personal details;
 - (iv) medical details.
- (b) The agency should maintain up-to-date crew lists of the vessels for which they provide crew and should ensure that a roster of emergency contacts is maintained at all hours.
- (c) The agency should have formal procedures to ensure that seafarers are not subject to exploitation by the agency or its personnel with regard to the offer of engagement on particular ships or by particular companies.
- (d) The agency should have formal procedures to prevent the opportunities for exploitation of seafarers arising from the issue of joining advances or any other financial transaction between the employer and the seafarer which are handled by the agency.

- (e) Such costs as the seafarer may be expected to bear by way of medical or documentary clearance must be clearly publicized and procedures should be in place to ensure that such costs are adhered to.
- (f) The agency should ensure that seafarers are advised of any particular conditions applicable to the job for which they are to be engaged and of particular employers' policies relating to their employment.
- (g) The agency should have formal procedures for dealing with reported cases of incompetence or indiscipline and such formal procedures should be consistent with national laws and practice and where applicable to collective agreements.
- (h) The agency should, to the extent that it is possible, have formal procedures to ensure that certificates of competency and medical certificates of seafarers submitted for employment are not fraudulently obtained, are up to date and that pre-employment references are verified.
- (i) The agency should have formal procedures to ensure that requests for information or advice by seafarers' families while they are at sea are dealt with promptly and sympathetically.
- (j) The agency should as a matter of policy supply seafarers only to employers who offer terms and conditions of employment to seafarers which comply with applicable laws or regulations or collective agreements.

Clause (a)

306. The Employers' group indicated that many of the principles had been taken from the International Shipping Federation's "Manning Agents Policy". It proposed a subamendment to replace the word "agency" in clause (a) by "recruitment and placement services". The subamendment was adopted.

307. The Government member of the Philippines, seconded by the Workers' group, suggested a subamendment to delete the sentence: "(unless such records are maintained by a central body to which the agency has immediate access)" because the placement and recruitment services were obliged to maintain records.

308. The subamendment was adopted.

Sub-clauses (iii) and (iv)

309. The Government member of Sweden proposed a subamendment to delete sub-clauses (iii) and (iv) on the grounds of confidentiality of personal data. The Government member of Spain supported the subamendment.

310. The Employers' group expressed its disagreement, because an agency had an obligation to maintain personal records for emergency situations. It suggested that seafarers should be told about what was maintained in their personal and medical records. It proposed a subamendment to replace "medical details" with "medical certificates".

311. The Workers' group supported the Employers' group's proposal on "medical certificates" and also suggested a subamendment to add the words "related to employment" to "personal details".

312. The Government members of Spain and Sweden supported the Workers' and Employers' groups' subamendments.

313. Sub-clauses (iii) and (iv), as subamended, were adopted subject to consideration by the Drafting Committee on the need to include a reference to privacy.

Clause (e)

314. The Employers' group proposed a subamendment to the clause in respect of cost for medical and documentary clearance to delete the rest of the sentence after the word "publicized". The subamendment was adopted.

315. Clause (e) was adopted as subamended.

Clause (g)

316. In respect of the clause on procedures for dealing with cases of incompetence or indiscipline, the Employers' group proposed a subamendment to replace in line 3 the word "to" by "with" before "collective agreements". The subamendment was adopted.

317. The Government members of Mexico and the Netherlands requested a clarification on clause (g) with regard to blacklists and the mechanism for handling reported cases of indiscipline.

318. The representative of the Employers' group explained that the provision was aimed mainly at blacklists and that most countries had detailed procedures on handling cases of indiscipline.

319. The Workers' group agreed with the concept and suggested the inclusion of a reference to "natural justice".

320. The Employers' group proposed another subamendment to insert in line 2 the words "which are in accordance with the principles of natural justice" after "indiscipline". The subamendment was adopted.

321. Clause (g), as subamended, was adopted.

Clause (i)

322. The Workers' group submitted a subamendment to add at the end of clause (i) the words "and at no cost to families". The subamendment was adopted.

323. Clause (i), as subamended, was adopted.

Clause (j)

324. The Workers' group submitted a subamendment to add at the end of clause (j) a text which replaced the text proposed in Report III, on p. 29 of the English version, on the issue of a guarantee fund. The subamendment was stated as follows: "and through the use of guarantee funds, the posting of a bond, third party liability insurance or other equivalent mechanisms is able to ensure the payment of repatriation costs and/or to secure unpaid wages in the event of the employer becoming insolvent."

325. The Employers' group stated that the issue of guarantee fund had been discussed at length and considered that it had been sufficiently dealt with under other Conventions (such as the Convention on Repatriation of Seafarers Convention (Revised), 1987). Therefore, it opposed the subamendment.

326. The Government members of Australia, Croatia and the Netherlands expressed their agreement with the Employers' group while the Government member of the Philippines supported the subamendment.

327. In the spirit of consensus, the Workers' group withdrew its subamendment but indicated that it would reintroduce the topic of a guarantee fund at future meetings.

328. The Government member of the Philippines stated that such a provision was already in force in his country.

329. The new paragraph, as amended and subamended, was adopted.

Paragraph 3

Clause (a)

330. The Government member of Mexico submitted an amendment to add in the paragraph on international cooperation the words "industry and" after "maritime" to reflect both supply and demand sides in the exchange of information. Clause (a), as amended, was adopted.

Clause (c)

331. The Government member of Lebanon submitted an amendment to the clause on harmonization of policies to add at the end of the sentence the words "to the extent possible" to take account of the difficulty in harmonizing policies among all countries.

332. The Government member of Greece pointed out that the amendment was superfluous because the object of this Convention was to develop new minimum standards. The view was supported by the Workers' and Employers' groups. The amendment was withdrawn for lack of support. Clause (c) was adopted without change.

Clauses (e) and (f)

333. The Government member of Mexico introduced an amendment to combine clauses (e) and (f) as follows: "Workforce planning, taking into account the supply and demand of seafarers and the requirements of the maritime industry."

334. The Government members of Argentina and the Russian Federation supported the amendment. The Government member of Lebanon withdrew her amendment as it was reflected in the Government member of Mexico's amendment.

335. The Employers' group agreed with the amendment and suggested a subamendment to add the word "of" after supply and to replace the words "demand of" by "demand for".

336. Clauses (e) and (f), as amended and subamended, were adopted.

New clause after clause (f)

337. The Workers' group submitted a new clause referring to the effect of certain employment practices on competition. It stated as follows: "(g) consideration of whether certain employment practices or policies cause competitive distortion and amount to unfair competition within the maritime labour market."

338. The Employers' group cautioned that such an amendment could be regarded as an incursion into domestic policy and "competitive distortion" might not be a very attractive wording for some governments.

339. The Government member of Mexico was concerned that this would open up a fresh debate. She pointed out that the World Trade Organization (WTO) had already had enough difficulties in deciding whether or not to examine this matter. In view of the fact that the issue was highly sensitive and complicated, as had been evidenced in other fora, and that it was not related to recruitment and placement, it would be inappropriate to include it in the instrument under discussion. The view was shared by the Government member of the Philippines; more precise definitions of "employment practices and policies" would be required.

340. The Workers' group withdrew the amendment for lack of support.

341. Paragraph 3, as amended, was adopted.

Examination of a resolution on the application of revised Convention No. 9 to the fisheries sector

342. The Committee examined a resolution concerning the application of revised Convention No. 9 to the fisheries sector, which the Workers' group had submitted. The Workers' group explained that, as they had accepted the Office text as regards the exclusion of fishermen from this draft revised Convention, they wished to put their point of view in a resolution urging the ILO to promote the application of this draft revised Convention to fishermen and to convene early a tripartite meeting on the fishing sector. Though the Employers' group did not wish to stand in the way of this resolution, it stressed that as it did not represent fishing vessel operators it could not take a position on the resolution. After a representative of the Office had outlined the various means of promotion open to the ILO, the resolution was adopted. The text is appended to the present report.

Examination of a resolution concerning the recruitment and placing of seafarers

343. The Employers' group stated that this resolution intended to maintain the distinction between maritime and land-based workers in the Recruitment and Placement of Seafarers Convention (Revised), 1996 and the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96), which will be discussed at the 85th Session of the International Labour Conference in June 1997. The resolution was supported by the Workers' group.

344. The Worker member of Argentina expressed his disagreement with the exclusion of seafarers from Convention No. 96.

345. The resolution was adopted. The text is appended to the present report.

Adoption of the report, the proposed Convention, the proposed Recommendation and the resolutions

346. At its 11th sitting, the Committee adopted its report, subject to the changes requested by its members, a proposed Convention and Recommendation on the recruitment and placement of seafarers and the two resolutions respectively submitted by the Workers' and the Employers' groups.

347. The representative of the Secretary-General opened the sitting by stating that the proceedings of the meeting were drawn up in accordance with the Standing Orders of the International Labour Conference. The Reporter would present the draft report for approval. Only modifications submitted in writing by members seeking to clarify, specify, correct or complete their own interventions could be accepted. She recalled that the report was a summary of the discussion and not a verbatim report.

348. Before opening the discussion, the Reporter pointed out that, for the sake of readability, the report followed the logical order of the issues discussed rather than the chronological order in which they had been examined. He also drew the attention of the Committee to the inconsistency in wording between the Convention and the Recommendation with respect to the concept of "the right to privacy". To ensure the same wording in both instruments, the Government member of Mexico proposed adding "and the need to protect confidentiality" in Article 4.1(c) of the Convention after the words "due regard to the right to privacy". The Reporter stated that he would request the Conference Drafting Committee to do so.

349. In the Preamble of the Convention, the reference to the Labour Inspection (Seafarers) Convention, 1996 was in square brackets for further consideration by the Committee.

350. The Government members of Croatia, Greece, the Netherlands and the Russian Federation were opposed to the insertion of a reference to this Convention in the Preamble.

351. The Employers' and Workers' groups, the Government members of France and the Philippines supported the deletion of the brackets. The Committee agreed to retain the reference to the Labour Inspection (Seafarers) Convention, 1996, in the Preamble.

352. A concern was expressed, including by the Government member of Greece, that the Drafting Committee had deemed it necessary to change parts of the draft text of the Convention and Recommendation which had been agreed by the main Committee. The Reporter explained that the Drafting Committee was empowered to make textual changes in order to ensure consistency with other ILO instruments and concordance between the French and English versions.

353. The Government member of Lebanon expressed her reservations on Article 4.2(f) as reflected in paragraph 192.

354. The Employer Vice-Chairperson felt that paragraphs 196-210 of the report did not cover the gist of the discussion which had really taken place in the Committee. It was decided that this part would be redrafted by a working group

consisting of the Reporter, the two Vice-Chairpersons and the Government members' coordinator.

355. The Government members of the Russian Federation, Ukraine and Spain expressed their concern about the translation of the instruments. The Reporter asserted that the translation would be checked in order to reflect the authentic texts.

356. The Employer Vice-Chairperson thanked the Committee members for their cooperation. The lively debate in which they had participated was now reflected in the instrument which he hoped would attract wide ratification in the maritime world. He expressed his strong misgivings about Article 3, and indicated that he would be making a statement in this regard to the plenary session.

357. The Workers' Vice-Chairperson expressed his thanks to the Committee members for their work on the report. He felt the revised Convention would have a significant impact on the improvement of seafarers' working conditions and sincerely hoped for a wide ratification.

358. On behalf of the Government group, the Government member of the United States also thanked the Committee members for their work. She considered that the governments had collectively made a very positive contribution to the work of the Committee and was sure that on their return the governments would be promoting the ratification of the Convention.

359. The Chairperson thanked the three groups for their collaboration and for the quality of their interventions. He recalled that the product of compromise should never be entirely satisfactory to one single delegate — were it so, this would be a source for concern.

360. The texts of the proposed Convention, the proposed Recommendation and the resolutions are reproduced below.

361. The report of the Committee and the texts of the proposed Convention, the proposed Recommendation and the resolutions are submitted to the Conference for consideration.

Geneva, 18 October 1996.

(Signed) Mr. L. PALMA,
Chairperson.

Mr. C. BLOWER,
Reporter.

A. Proposed Convention concerning the recruitment and placement of seafarers

The General Conference of the International Labour Organization,
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighty-Fourth Session on 8 October 1996, and

Noting the provisions of the Seamen's Articles of Agreement Convention, 1926, the Freedom of Association and Protection of the Right to Organise Convention, 1948, the Employment Service Convention and Recommendation, 1948, the Right to Organise and Collective Bargaining Convention, 1949, the Seafarers' Engagement (Foreign Vessels) Recommendation, 1958, the Discrimination (Employment and Occupation) Convention, 1958, the Employment of Seafarers (Technical Developments) Recommendation, 1970, the Minimum Age Convention, 1973, the Continuity of Employment (Seafarers) Convention and Recommendation, 1976, the Merchant Shipping (Minimum Standards) Convention, 1976, the Repatriation of Seafarers Convention (Revised), 1987, the Labour Inspection (Seafarers) Convention, 1996, and

Recalling the entry into force of the United Nations Convention on the Law of the Sea, 1982, and

Having decided upon the adoption of certain proposals with regard to the revision of the Placing of Seamen Convention, 1920, which is the third item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

adopts, this day of October of the year one thousand nine hundred and ninety-six, the following Convention, which may be cited as the Recruitment and Placement of Seafarers Convention (Revised), 1996:

Article 1

1. For the purpose of this Convention:

- (a) the term "competent authority" means the minister, designated official, government department or other authority having power to issue regulations, orders or other instructions having the force of law in respect of the recruitment and placement of seafarers;
- (b) the term "recruitment and placement service" means any person, company, institution, agency or other organization, in the public or the private sector, which is engaged in recruiting seafarers on behalf of employers or placing seafarers with employers;
- (c) the term "shipowner" means the owner of the ship or any other organization or person such as the manager, agent or bareboat charterer who has assumed the responsibility for operation of the ship from the shipowner and who has thereby agreed to take over the attendant duties and responsibilities;
- (d) the term "seafarer" means any person who fulfils the conditions to be employed or engaged in any capacity on board a seagoing ship other than a government ship used for military or non-commercial purposes.

2. To the extent it deems practicable, after consultation with the representative organizations of fishing-vessel owners and fishermen or those of owners of maritime mobile offshore units and seafarers serving on such units, as the case may be, the competent authority may apply the provisions of the Convention to fishermen or to seafarers serving on maritime mobile offshore units.

Article 2

1. Nothing in the provisions of this Convention shall be deemed to:

- (a) prevent a Member from maintaining a free public recruitment and placement service for seafarers in the framework of a policy to meet the needs of seafarers and shipowners, whether it forms part of or is coordinated with a public employment service for all workers and employers;
- (b) impose on a Member the obligation to establish a system for the operation of private recruitment and placement services.

2. Where private recruitment and placement services have been or are to be established, they shall be operated within the territory of a Member only in conformity with a system of licensing or certification or other form of regulation. This system shall be established, maintained, modified or changed only after consultation with representative organizations of shipowners and seafarers. Undue proliferation of such private recruitment and placement services shall not be encouraged.

3. Nothing in this Convention shall affect the right of a Member to apply its laws and regulations to ships flying its flag in relation to the recruitment and placement of seafarers.

Article 3

Nothing in this Convention shall in any manner prejudice the ability of a seafarer to exercise basic human rights, including trade union rights.

Article 4

1. A Member shall, by means of national laws or applicable regulations:

- (a) ensure that no fees or other charges for recruitment or for providing employment to seafarers are borne directly or indirectly, in whole or in part, by the seafarer; for this purpose, costs of the national statutory medical examination, certificates, a personal travel document and the national seafarer's book shall not be deemed to be "fees or other charges for recruitment";
- (b) determine whether and under which conditions recruitment and placement services may place or recruit seafarers abroad;
- (c) specify, with due regard to the right to privacy, the conditions under which seafarers' personal data may be processed by recruitment and placement services including the collection, storage, combination and communication of such data to third parties;
- (d) determine the conditions under which the licence, certificate or similar authorization of a recruitment and placement service may be suspended or withdrawn in case of violation of relevant laws and regulations; and
- (e) specify, where a regulatory system other than a system of licensing or certification exists, the conditions under which recruitment and placement services can operate, as well as sanctions applicable in case of violation of these conditions.

2. A Member shall ensure that the competent authority:

- (a) closely supervise all recruitment and placement services;
- (b) grant or renew the licence, certificate, or similar authorization only after having verified that the recruitment and placement service concerned meets the requirements of national laws and regulations;
- (c) require that the management and staff of recruitment and placement services for seafarers should be adequately trained persons having relevant knowledge of the maritime industry;
- (d) prohibit recruitment and placement services from using means, mechanisms or lists intended to prevent or deter seafarers from gaining employment;
- (e) require that recruitment and placement services adopt measures to ensure, as far as practicable, that the employer has the means to protect seafarers from being stranded in a foreign port; and

- (f) ensure that a system of protection, by way of insurance or an equivalent appropriate measure, is established to compensate seafarers for monetary loss that they may incur as a result of the failure of a recruitment and placement service to meet its obligations to them.

Article 5

1. All recruitment and placement services shall maintain a register of all seafarers recruited or placed through them, to be available for inspection by the competent authority.

2. All recruitment and placement services shall ensure that:

- (a) any seafarer recruited or placed by them is qualified and holds the documents necessary for the job concerned;
- (b) contracts of employment and articles of agreement are in accordance with applicable laws, regulations and collective agreements;
- (c) seafarers are informed of their rights and duties under their contracts of employment and the articles of agreement prior to or in the process of engagement; and
- (d) proper arrangements are made for seafarers to examine their contracts of employment and the articles of agreement before and after they are signed and for them to receive a copy of the contract of employment.

3. Nothing in paragraph 2 above shall be understood as diminishing the obligations and responsibilities of the shipowner or the master.

Article 6

1. The competent authority shall ensure that adequate machinery and procedures exist for the investigation, if necessary, of complaints concerning the activities of recruitment and placement services, involving, as appropriate, representatives of shipowners and seafarers.

2. All recruitment and placement services shall examine and respond to any complaint concerning their activities and shall advise the competent authority of any unresolved complaint.

3. Where complaints concerning working or living conditions on board ships are brought to the attention of the recruitment and placement services, they shall forward such complaints to the appropriate authority.

4. Nothing in this Convention shall prevent the seafarer from bringing any complaint directly to the appropriate authority.

Article 7

This Convention revises the Placing of Seamen Convention, 1920.

*Article **

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

4. The act of ratification by a Member of the present Convention shall, when it is in force, constitute an act of denunciation of the Placing of Seamen Convention, 1920.

B. Proposed Recommendation concerning the recruitment and placement of seafarers

The General Conference of the International Labour Organization,
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighty-fourth Session on 8 October 1996, and

Having decided upon the adoption of certain proposals with regard to the revision of the Placing of Seamen Convention, 1920, which is the third item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Recruitment and Placement of Seafarers Convention (Revised), 1996;

adopts, this day of October of the year one thousand nine hundred and ninety-six, the following Recommendation, which may be cited as the Recruitment and Placement of Seafarers Recommendation, 1996:

1. The competent authority should:

- (a) take the necessary measures to promote effective cooperation among recruitment and placement services, whether public or private;
- (b) take account of the needs of the maritime industry at both the national and international levels, when developing training programmes for seafarers, with the participation of shipowners, seafarers and the relevant training institutions;
- (c) make suitable arrangements for the cooperation of representative organizations of shipowners and seafarers in the organization and operation of the public recruitment and placement services where they exist;
- (d) maintain an arrangement for the collection and analysis of all relevant information on the maritime labour market, including:
 - (i) the current and prospective supply of seafarers classified by age, sex, rank and qualifications and the industry's requirements, the collection of data on age and sex being admissible only for statistical purposes or if used in the framework of a programme to prevent discrimination based on age and sex;
 - (ii) the availability of employment on national and foreign ships;
 - (iii) continuity of employment;
 - (iv) the placement of apprentices, cadets and other trainees; and
 - (v) vocational guidance to prospective seafarers;
- (e) ensure that the staff responsible for the supervision of recruitment and placement services be adequately trained and have relevant knowledge of the maritime industry;
- (f) prescribe or approve operational standards and encourage the adoption of codes of conduct and ethical practices for these services; and
- (g) promote continued supervision on the basis of a system of quality standards.

2. The operational standards referred to in paragraph 1(f) should include provisions dealing with:

- (a) the qualifications and training required of the management and staff of recruitment and placement services, which should include knowledge of the maritime sector, particularly of relevant maritime international instruments on training, certification and labour standards;
- (b) the keeping of a register of seafarers seeking employment at sea;
- (c) matters pertaining to medical examinations, vaccinations, seafarers' documents and such other items as may be required for the seafarer to gain employment.

3. In particular, the operational standards referred to in paragraph 1(f) should provide that each recruitment and placement service:

- (a) maintain, with due regard to the right to privacy and the need to protect confidentiality, full and complete records of the seafarers covered by its recruitment and placement system, which should include but not be limited to:

- (i) the seafarers' qualifications;
 - (ii) record of employment;
 - (iii) personal data relevant to employment;
 - (iv) medical data relevant to employment;
- (b) maintain up-to-date crew lists of the vessels for which it provides crew and ensure that there is a means by which it can be contacted in an emergency at all hours;
 - (c) have formal procedures to ensure that seafarers are not subject to exploitation by the agency or its personnel with regard to the offer of engagement on particular ships or by particular companies;
 - (d) have formal procedures to prevent the opportunities for exploitation of seafarers arising from the issue of joining advances or any other financial transaction between the employer and the seafarer which are handled by it;
 - (e) clearly publicize costs which the seafarer will bear by way of medical or documentary clearance;
 - (f) ensure that seafarers are advised of any particular conditions applicable to the job for which they are to be engaged and of particular employers' policies relating to their employment;
 - (g) have formal procedures which are in accordance with the principles of natural justice for dealing with cases of incompetence or indiscipline consistent with national laws and practice and where applicable with collective agreements;
 - (h) have formal procedures to ensure, as far as practicable, that certificates of competency and medical certificates of seafarers submitted for employment are up-to-date and have not been fraudulently obtained and that employment references are verified;
 - (i) have formal procedures to ensure that requests for information or advice by families of seafarers while they are at sea are dealt with promptly and sympathetically and at no cost; and
 - (j) as a matter of policy, supply seafarers only to employers who offer terms and conditions of employment to seafarers which comply with applicable laws or regulations or collective agreements.

4. International cooperation should be encouraged between Members and relevant organizations and may include:

- (a) the systematic exchange of information on the maritime industry and labour market on a bilateral, regional and multilateral basis;
- (b) the exchange of information on maritime labour legislation;
- (c) the harmonization of policies, working methods and legislation governing recruitment and placement of seafarers;
- (d) the improvement of procedures and conditions for the international recruitment and placement of seafarers; and
- (e) workforce planning, taking account of the supply of and demand for seafarers and the requirements of the maritime industry.

Resolution on the application of revised Convention No. 9 to the fisheries sector

The General Conference of the International Labour Organization,
Having met in Geneva in its Eighty-fourth Session, from 8 to 22 October
1996,

Recognizing the current crisis in the fishing industry which has serious repercussions on the labour and social standards of fishermen and which has resulted in the abandonment of many crew members of fishing vessels in ports worldwide without any recourse to compensation for lost earnings and assistance with repatriation except from charitable organizations,

Recognizing also the increasing globalization of the industry which has led to the recruitment and placement of fishermen on board foreign flag vessels and the important initiatives undertaken by other international fora with regard to the management and conservation of fish stocks,

Noting the urgent need to apply international labour standards to fishermen and to expressly extend a number of the international labour maritime standards to the fishing sector,

Noting also the adoption of the Recruitment and Placement of Seafarers Convention (Revised), 1996,

Invites the Governing Body of the International Labour Office to:

1. Promote the application to fishermen of the Recruitment and Placement of Seafarers Convention (Revised), 1996, by Members following consultations between representative organizations of fishermen and fishing vessel owners and the competent authority,
2. Convene an early tripartite meeting for the fishing sector to assess which of the other ILO maritime instruments should be applied to the fishing sector through the adoption of appropriate protocols, and/or the adoption of new international labour standards for the sector and in this regard to place the issue of new labour standards for fishermen on the agenda of an early session of the International Labour Conference.

Resolution concerning the recruitment and placing of seafarers

The General Conference of the International Labour Organization,
Having met in Geneva in its Eighty-fourth Session, from 8 to 22 October 1996,

Noting that the Recruitment and Placement of Seafarers Convention (Revised), 1996 was adopted in Geneva on in order to ensure that international labour standards regulating the activities of persons, companies, institutions, agencies or other organizations which are engaged in recruiting or placing seafarers should reflect current best practices in the shipping industry,

Further noting that the above Convention provides that no fees or other charges for recruitment or providing employment to seafarers shall be borne directly or indirectly, in whole or in part, by the seafarer,

Noting also that the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96), which applies to all categories of workers with the exception of seafarers, is to be discussed with a view to its revision at the 85th Session of the International Labour Conference, June 1997,

Recognizing that Convention No. 96 specifically excludes the placing of seafarers from its scope,

Considering that it is essential that recruitment and placement services operating in the shipping industry should be regulated in such a manner as to take full account of the international aspects and of the particular nature of maritime employment,

Invites the Governing Body of the International Labour Office to instruct the Director-General to bring to the attention of delegates to the 85th Session of the International Labour Conference, June 1997, the urgent need to maintain the exclusion of the placing of seafarers, taking into account the adoption by the 84th (Maritime) Session of the International Labour Conference of the Recruitment and Placement of Seafarers Convention (Revised), 1996.

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of Seamen Convention, 1920 (No. 9):*

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RECORD VOTES

**Vote par appel nominal sur la convention sur l'inspection
du travail (gens de mer), 1996**

Record vote on the Labour Inspection (Seafarers) Convention, 1996

**Votación nominal relativa al Convenio sobre la inspección del trabajo
(gente de mar), 1996**

Pour/For/En Pro: 205

Contre/Against/En contra: 1

Abstentions/Abstentions/Abstenciones: 10

Quorum: 129

Pour/For/En Pro: 205

Algérie/Algeria/Argelia:

MESSAOUI, M. (G)
BELHOCINE, M. (G)
BENRAMOUL, M. (E)
TERKMANE, M.(T/W)

Allemagne/Germany/Alemania:

MAASSEN, Mr. (G)
LEMMER, Mr. (G)
LINDEMANN, Mr. (E)
BENZE, Mr.(T/W)

Argentine/Argentina:

BENITEZ, Sr. (G)
TOSONOTTI, Srta. (G)
CABRAL, Sr. (E)
MORATO, Sr.(T/W)

Australie/Australia:

HOLMES, Mr. (G)
BLOWER, Mr. (G)
PAYNE, Mr. (E)
ROSS, Mr.(T/W)

Belgique/Belgium/Bélgica:

LANNOY, M. (G)
VAN DEN HEULE, M. (G)

Brésil/Brazil/Brasil:

GONÇALVES BOMPET, Mr. (G)
MAGRO, Mr. (G)

Bulgarie/Bulgaria:

PETROV, Mr. (G)
DOBREV, Mr. (G)
MELKONIAN, Mrs. (E)
RADEV, Mr.(T/W)

Canada/Canadá:

GHUMAN, Mr. (G)
DAY, Mr. (G)
MONK, Ms. (E)
FUCHS, Mr.(T/W)

Chili/Chile:

SANCHEZ RODRIGUEZ, Sr. (G)
ALLES ARRIAGADA, Sr. (G)
CATALAN GONZALEZ, Sr. (E)
ASTORGA LOBOS, Sr.(T/W)

Chine/China:

ZHOU, Mr. (G)
WU, Mr. (G)
SHEN, Mr. (E)
ZHANG, Mr.(T/W)

Chypre/Cyprus/Chipre:

MARKIDES, Ms. (G)

ZACKHEOS, Mr. (G)

KAZAKOS, Mr. (E)
STAVROU, Mr.(T/W)

Colombie/Colombia:

CASTRO GUERRERO, Sr. (G)
SAENZ VARGAS, Sr. (G)

*République de Corée/Republic of
Korea/República de Corea:*

CHANG, Mr. (G)
JEONG, Mr. (G)
PARK, Mr. (E)
KIM, Mr.(T/W)

Croatie/Croatia/Croacia:

MUSULIN, Ms. (G)
MADEY, Mr. (G)
BRAZZODURO, Mr.(T/W)

Cuba:

GUILLEN LANDRIAN, Sr. (G)
REYES RUIZ, Sr. (G)
ALFONSO DOMINGUEZ, Sr. (E)
JUSTO VILLAMIL, Sr.(T/W)

Danemark/Denmark/Dinamarca:

SOLLING OLSEN, Ms. (G)
VESTERGAARD, Mr. (G)
SPRINGBORG, Mr. (E)
FUNCH, Mr.(T/W)

Espagne/Spain/España:

ALBALATE, Sr. (G)
SANCHEZ, Sr. (E)
MUÑOZ, Sr.(T/W)

Estonie/Estonia:

JAAKULA, Mr. (G)
PALLUM, Mr. (G)
KELDER, Ms. (E)
MULTANEN, Mr.(T/W)

Etats-Unis/United States/Estados

Unidos:

YIM, Ms. (G)
KRUSA, Mr. (G)
FAY, Mr.(T/W)

Finlande/Finland/Finlandia:

HALME, Mr. (G)
LONKA, Mr. (G)
LÖNNQVIST, Mr. (E)
GYLLENBERG, Mr.(T/W)

France/Francia:

SULPICE, M. (E)

Grèce/Greece/Grecia:

PAPAKONSTANDINO, Mr. (G)
EXARCHOPOULOS, Mr. (G)
KOLTSIDOPOULOS, Mr. (E)
HALAS, Mr.(T/W)

Inde/India:

GHILDIYAL, Mr. (E)
BARNES, Mr.(T/W)

Indonésie/Indonesia:

SIMANJUNTAK, Mr. (G)
SIANTURI, Mr. (G)
NADLAR, Mr.(T/W)

*République islamique
d'Iran/Islamic Republic of
Iran/República Islámica del Irán:*

GHADERI, Mr. (G)
KESHAVARZ, Mr. (E)
MIR, Mr.(T/W)

Irlande/Ireland/Irlanda:

TISDALL, Mr. (G)
O MUIRCHARTAIGH, Mr. (G)
MCGINTY, Mr. (E)
CULLEN, Mr.(T/W)

Islande/Iceland/Islandia:

THORGEIRSSON, Mr. (G)
GUNNARSSON, Mr. (G)
MAGNÚSSON, Mr. (E)
KJAERNESTED, Mr.(T/W)

Italie/Italy/Italia:

GIURGOLA, M. (G)
FINAMORE, Mme (G)
RAVERA, M. (E)
SOMMARIVA, M.(T/W)

Japon/Japan/Japón:

SAITO, Mr. (G)
KANAMARU, Mr. (G)
MASUDA, Mr. (E)
IIJIMA, Mr.(T/W)

Kenya:

NGARE, Mr. (G)

Koweït/Kuwait:

BORABEE'AH, Mr. (E)

Liban/Lebanon/Libano:

HOUMANI, M.(T/W)

Jamahiriya arabe libyenne/Libyan

Arab Jamahiriya/Jamahiriya

Arabe Libia:

MILAD IDRIS, Mr. (G)
DERBI, Mr. (G)
EL DURSSI, Mr.(T/W)

Luxembourg/Luxemburgo:

WEBER, M. (G)
DUHR, M. (G)
BAUSCH, M.(T/W)

Malaisie/Malaysia/Malasia:

ANUAR, Mr. (G)
ZAINAL, Mr. (G)
AZMI, Mr. (E)
BALA, Mr.(T/W)

Malte/Malta:

VASSALLO, Mr. (G)

PACE, Mr. (G)

XERRI, Mr. (E)

CALAMATTA, Mr.(T/W)

Mexique/Mexico/México:

SOSA MARQUEZ, Sra. (G)
PAYNO Y SANCHEZ, Sr. (G)
MARTINEZ RODRIGUEZ, Sr.(T/W)

Namibie/Namibia:

DAX, Mr. (G)
KOTZE, Mr. (G)
ANGULA, Mr.(T/W)

Nigéria/Nigeria:

AIRIOHOUDION, Mr. (G)
HENRY, Mr. (G)
UKAUMUNNA, Mr.(T/W)

Norvège/Norway/Noruega:

KOBRO, Mr. (G)
FLATRUD, Mr. (G)
MIDELFART, Mrs. (E)
SKREDE, Ms.(T/W)

*Nouvelle-Zélande/New
Zealand/Nueva Zelandia:*

MARTIN, Mr. (G)
WILSON, Ms. (G)
MILLER, Mr. (E)
MCLEOD, Mr.(T/W)

Panama/Panamá:

KAM B., Sr. (G)
AGUILAR J., Sr. (G)
MANZANARES, Sr. (E)
DEL CID RAMOS, Sr.(T/W)

*Pays-Bas/Netherlands/Paises
Bajos:*

VAN DE REE, Mr. (G)
BLOOT, Mr. (G)
VAN MEENEN, Mr. (E)
VERHOEF, Mr.(T/W)

Philippines/Filipinas:

PALOMO, Mr. (G)
FAJARDO, Ms. (G)
SALINAS, Mr. (E)

Pologne/Poland/Polonia:

DEMBINSKI, Mr. (G)
HENCZEL, Mr. (G)
NIEMIEC, Mr. (E)
CEGIELSKI, Mr.(T/W)

Portugal:

EUSÉBIO FILIPE, M. (G)
TOMÉ DE ALMEIDA, M. (G)
PAULO FARINHA, M. (E)
CHAGAS, M.(T/W)

Roumanie/Romania/Rumania:

CIRICA, M. (G)
ISTRATE, M. (G)
OPRIS, M. (E)
PETRE, M.(T/W)

Royaume-Uni/United Kingdom/Reino Unido:

LUSTED, Mr. (E)
ORRELL, Mr.(T/W)

Fédération de Russie/Russian Federation/Federación de Rusia:

MIKHAILOV, Mr. (G)
ORLOV, Mr. (G)
MATSKIAVITCHUS, Mr. (E)
STARTCHENKO, Mr.(T/W)

Singapour/Singapore/Singapur:

SAY, Mr. (G)
LIM KHIM SENG, Mr. (E)
TAY JWEE HWA, Mr.(T/W)

Slovaquie/Slovakia/Eslovaquia:

SYKORA, Mr. (G)
MITKA, Mr. (G)

Slovénie/Slovenia/Eslovenia:

LOGAR, Mr. (G)
VALCIC, Mr. (G)
JURJEC, Mr. (E)
KRZNARIC, Mr.(T/W)

Soudan/Sudan/Sudán:

YAHIA ALI ADAM, Mr. (G)
MOHAMED ELBASHI MOHAMED KHEIR, Mr. (G)
ALI SIDDIG ALI, Mr. (E)
ELG'NEED AHMED MOHAMED SALIH, Mr.(T/W)

Suède/Sweden/Suecia:

WALLSTRÖM, Ms. (G)
GOTARE, Mr. (G)
FRANSSON, Mr. (E)
ABRAHAMSSON, Mr.(T/W)

Suisse/Switzerland/Suiza:

HULLIGER, M. (G)
ELMIGER, M. (G)
NÜESCH, M. (E)
BAUMGARTNER, M.(T/W)

Thaïlande/Thailand/Tailandia:

NELAYOTHIN, Mr. (G)
WONGWIJARN R.T.N., Mr. (G)
BHAKDIBADHANABANIJ, Mr. (E)
CHAROENPHAO, Mr.(T/W)

Tunisie/Tunisia/Túnez:

YAHMADI, M. (G)
BAATI, M. (G)
SILLINI, M. (E)

Turquie/Turkey/Turquia:

DURUSOY, Mr. (G)
SEREF, Mr. (G)
UNSALEH, Mr. (E)
UZUN, Mr.(T/W)

Ukraine/Ucrania:

SUSHKIN, M. (G)
MAIMESKUL, M. (G)
SHUBOCHKIN, M. (E)
ZUBKOV, M.(T/W)

Uruguay:

ARIZTI, Sr. (G)
LASA, Sr. (G)
CICCOLO, Sr. (E)
LARROSA, Sr.(T/W)

Viet Nam:

HOANG THI HOA BINH, Mme (G)
BUI QUANG MINH, M. (G)

**Abstentions/Abstentions/
Abstenciones: 10**

Egypte/Egypt/Egipto:

ZAHARAN, Mr. (G)

France/Francia:

SERRADJI, M. (G)
GASC, M. (G)
LEGOUAS, M.(T/W)

Koweït/Kuwait:

AL-SHEMMERI, Mr. (G)
ABDULLAH AL-ME'EDADI, Mr. (G)

Liban/Lebanon/Libano:

GHORAYEB, M. (G)
SAAB, Mme (G)

Royaume-Uni/United Kingdom/Reino Unido:

HAMILTON, Mr. (G)
PARKINSON, Mr. (G)

**Contre/Against/En
contra: 1**

Inde/India:

PINTO, Mr. (G)

**Vote par appel nominal sur la recommandation sur l'inspection
du travail (gens de mer), 1996**

Record vote on the Labour Inspection (Seafarers) Recommendation, 1996

**Votación nominal relativa a la Recomendación sobre la inspección
del trabajo (gente de mar), 1996**

Pour/For/En Pro: 210

Contre/Against/En contra: 0

Abstentions/Abstentions/Abstenciones: 9

Quorum: 129

Pour/For/En Pro: 210

Algérie/Algeria/Argelia:

MESSAOUI, M. (G)
BELHOCINE, M. (G)
BENRAMOUL, M. (E)
TERKMANE, M.(T/W)

Allemagne/Germany/Alemania:

MAASSEN, Mr. (G)
LEMMER, Mr. (G)
LINDEMANN, Mr. (E)
BENZE, Mr.(T/W)

Argentine/Argentina:

BENITEZ, Sr. (G)
TOSONOTTI, Srta. (G)
CABRAL, Sr. (E)
MORATO, Sr.(T/W)

Australie/Australia:

HOLMES, Mr. (G)
BLOWER, Mr. (G)
PAYNE, Mr. (E)
ROSS, Mr.(T/W)

Belgique/Belgium/Bélgica:

LANNOY, M. (G)
VAN DEN HEULE, M. (G)

Brésil/Brazil/Brasil:

GONÇALVES BOMPET, Mr. (G)
MAGRO, Mr. (G)

Bulgarie/Bulgaria:

PETROV, Mr. (G)
DOBREV, Mr. (G)
MELKONIAN, Mrs. (E)
RADEV, Mr.(T/W)

Canada/Canadá:

GHUMAN, Mr. (G)
DAY, Mr. (G)
MONK, Ms. (E)
FUCHS, Mr.(T/W)

Chili/Chile:

SANCHEZ RODRIGUEZ, Sr. (G)
FERES NAZARALA, Sra. (G)
CATALAN GONZALEZ, Sr. (E)
ASTORGA LOBOS, Sr.(T/W)

Chine/China:

ZHU, Mr. (G)
WU, Mr. (G)
SHEN, Mr. (E)
ZHANG, Mr.(T/W)

Chypre/Cyprus/Chipre:

MARKIDES, Ms. (G)

ZACKHEOS, Mr. (G)

KAZAKOS, Mr. (E)
STAVROU, Mr.(T/W)

Colombie/Colombia:

CASTRO GUERRERO, Sr. (G)
SAENZ VARGAS, Sr. (G)

*République de Corée/Republic of
Korea/República de Corea:*

CHANG, Mr. (G)
JEONG, Mr. (G)
PARK, Mr. (E)
KIM, Mr.(T/W)

Croatie/Croatia/Croacia:

MUSULIN, Ms. (G)
MADEY, Mr. (G)
BRAZZODURO, Mr.(T/W)

Cuba:

GUILLEN LANDRIAN, Sr. (G)
REYES RUIZ, Sr. (G)
ALFONSO DOMINGUEZ, Sr. (E)
JUSTO VILLAMIL, Sr.(T/W)

- Danemark/Denmark/Dinamarca:*
SOLLING OLSEN, Ms. (G)
VESTERGAARD, Mr. (G)
SPRINGBORG, Mr. (E)
FUNCH, Mr.(T/W)
- Egypte/Egypt/Egipto:*
AMAR, Mr. (E)
- Espagne/Spain/España:*
DE SEGOVIA, Sr. (G)
ALBALATE, Sr. (G)
SANCHEZ, Sr. (E)
MUÑOZ, Sr.(T/W)
- Estonie/Estonia:*
JAAKULA, Mr. (G)
PALLUM, Mr. (G)
KELDER, Ms. (E)
MULTANEN, Mr.(T/W)
- Etats-Unis/United States/Estados Unidos:*
YIM, Ms. (G)
KRUSA, Mr. (G)
FAY, Mr.(T/W)
- Finlande/Finland/Finlandia:*
HALME, Mr. (G)
LONKA, Mr. (G)
LÖNNQVIST, Mr. (E)
GYLLENBERG, Mr.(T/W)
- France/Francia:*
SULPICE, M. (E)
- Grèce/Greece/Grecia:*
PAPAKONSTANDINOY, Mr. (G)
EXARCHOPOULOS, Mr. (G)
KOLTSIDOPOULOS, Mr. (E)
HALAS, Mr.(T/W)
- Inde/India:*
PINTO, Mr. (G)
GHILDIAL, Mr. (E)
BARNES, Mr.(T/W)
- Indonésie/Indonesia:*
SIMANJUNTAK, Mr. (G)
SIANTURI, Mr. (G)
NADLAR, Mr.(T/W)
- République islamique d'Iran/Islamic Republic of Iran/República Islámica del Irán:*
GHADERI, Mr. (G)
KESHAVARZ, Mr. (E)
MIR, Mr.(T/W)
- Irlande/Ireland/Irlanda:*
TISDALL, Mr. (G)
O MUIRCHARTAIGH, Mr. (G)
MCGINTY, Mr. (E)
CULLEN, Mr.(T/W)
- Islande/Iceland/Islandia:*
THORGEIRSSON, Mr. (G)
GUNNARSSON, Mr. (G)
MAGNÚSSON, Mr. (E)
KJAERNESTED, Mr.(T/W)
- Italie/Italy/Italia:*
GIURGOLA, M. (G)
FINAMORE, Mme (G)
RAVERA, M. (E)
SOMMARIVA, M.(T/W)
- Japon/Japan/Japón:*
SAITO, Mr. (G)
KANAMARU, Mr. (G)
MASUDA, Mr. (E)
IIJIMA, Mr.(T/W)
- Kenya:*
NGARE, Mr. (G)
- Koweït/Kuwait:*
BORABEE'AH, Mr. (E)
- Liban/Lebanon/Libano:*
GHORAYEB, M. (G)
SAAB, Mme (G)
HOUMANI, M.(T/W)
- Jamahiriya arabe libyenne/Libyan Arab Jamahiriya/Jamahiriya Arabe Libia:*
MILAD IDRIS, Mr. (G)
BENSHABAN, Mr. (G)
EL DURSSI, Mr.(T/W)
- Luxembourg/Luxemburgo:*
WEBER, M. (G)
DUHR, M. (G)
BAUSCH, M.(T/W)
- Malaisie/Malaysia/Malasia:*
ANUAR, Mr. (G)
ZAINAL, Mr. (G)
AZMI, Mr. (E)
BALA, Mr.(T/W)
- Malte/Malta:*
VASSALLO, Mr. (G)
PACE, Mr. (G)
XERRI, Mr. (E)
CALAMATTA, Mr.(T/W)
- Mexique/Mexico/México:*
SOSA MARQUEZ, Sra. (G)
PAYNO Y SANCHEZ, Sr. (G)
MARTINEZ RODRIGUEZ, Sr.(T/W)
- Namibie/Namibia:*
DAX, Mr. (G)
KOTZE, Mr. (G)
ANGULA, Mr.(T/W)
- Nigéria/Nigeria:*
AIRIOHOUDION, Mr. (G)
HENRY, Mr. (G)
UKAUMUNNA, Mr.(T/W)
- Norvège/Norway/Noruega:*
KOBRO, Mr. (G)
FLATRUD, Mr. (G)
MIDELFART, Mrs. (E)
SKREDE, Ms.(T/W)
- Nouvelle-Zélande/New Zealand/Nueva Zelandia:*
MARTIN, Mr. (G)
WILSON, Ms. (G)
MILLER, Mr. (E)
MCLEOD, Mr.(T/W)
- Panama/Panamá:*
KAM B., Sr. (G)
AGUILAR J., Sr. (G)
MANZANARES, Sr. (E)
DEL CID RAMOS, Sr.(T/W)
- Pays-Bas/Netherlands/Paises Bajos:*
VAN DE REE, Mr. (G)
BLOOT, Mr. (G)
VAN MEENEN, Mr. (E)
VERHOEF, Mr.(T/W)

Pérou/Peru/Perú:

TINCOPA, Sra. (G)

Philippines/Filipinas:

PALOMO, Mr. (G)

FAJARDO, Ms. (G)

SALINAS, Mr. (E)

Pologne/Poland/Polonia:

DEMBINSKI, Mr. (G)

HENCZEL, Mr. (G)

NIEMIEC, Mr. (E)

CEGIELSKI, Mr.(T/W)

Portugal:

EUSÉBIO FILIPE, M. (G)

TOMÉ DE ALMEIDA, M. (G)

PAULO FARINHA, M. (E)

CHAGAS, M.(T/W)

Roumanie/Romania/Rumania:

CIRICA, M. (G)

ISTRATE, M. (G)

OPRIS, M. (E)

PETRE, M.(T/W)

Royaume-Uni/United Kingdom/Reino Unido:

LUSTED, Mr. (E)

ORRELL, Mr.(T/W)

Fédération de Russie/Russian Federation/Federación de Rusia:

MIKHAILOV, Mr. (G)

ORLOV, Mr. (G)

MATSKIAVITCHUS, Mr. (E)

STARTCHENKO, Mr.(T/W)

Singapour/Singapore/Singapur:

SAY, Mr. (G)

LIM KHIM SENG, Mr. (E)

TAY JWEE HWA, Mr.(T/W)

Slovaquie/Slovakia/Eslovaquia:

SYKORA, Mr. (G)

MITKA, Mr. (G)

Slovénie/Slovenia/Eslovenia:

LOGAR, Mr. (G)

VALCIC, Mr. (G)

JURJEC, Mr. (E)

KRZNNARIC, Mr.(T/W)

Soudan/Sudan/Sudán:

YAHIA ALI ADAM, Mr. (G)

MOHAMED ELBASHI MOHAMED KHEIR, Mr. (G)

ALI SIDDIG ALI, Mr. (E)

ELGINEED AHMED MOHAMED

SAI IH, Mr.(T/W)

Suède/Sweden/Suecia:

WALLSTRÖM, Ms. (G)

GOTARE, Mr. (G)

FRANSSON, Mr. (E)

ABRAHAMSSON, Mr.(T/W)

Suisse/Switzerland/Suiza:

HULLIGER, M. (G)

ELMIGER, M. (G)

NÜESCH, M. (E)

BAUMGARTNER, M.(T/W)

Thaïlande/Thailand/Tailandia:

NELAYOTHIN, Mr. (G)

WONGWIJARN R.T.N., Mr. (G)

BHAKDIBADHANABANIJ, Mr. (E)

CHAROENPHAO, Mr.(T/W)

Tunisie/Tunisia/Túnez:

YAHMADI, M. (G)

BAATI, M. (G)

Turquie/Turkey/Turquia:

DURUSOY, Mr. (G)

SEREF, Mr. (G)

UNSALEK, Mr. (E)

UZUN, Mr.(T/W)

Ukraine/Ucrania:

SUSHKIN, M. (G)

MAIMESKUL, M. (G)

SHUBOCHKIN, M. (E)

ZUBKOV, M.(T/W)

Uruguay:

ARIZTI, Sr. (G)

LASA, Sr. (G)

CICCOLO, Sr. (E)

LARROSA, Sr.(T/W)

Viet Nam:

HOANG THI HOA BINH, Mme (G)

BUI QUANG MINH, M. (G)

**Abstentions/Abstentions/
Abstenciones: 9**

Egypte/Egypt/Egipto:

ZAHKAN, Mr. (G)

France/Francia:

SERRADJI, M. (G)

GASC, M. (G)

LEGOUAS, M.(T/W)

Koweït/Kuwait:

AL-SHEMMERI, Mr. (G)

ABDULLAH AL-ME'EDADI, Mr. (G)

Royaume-Uni/United Kingdom/Reino Unido:

HAMILTON, Mr. (G)

PARKINSON, Mr. (G)

Tunisie/Tunisia/Túnez:

SILLINI, M. (E)

**Vote par appel nominal sur la convention sur le recrutement
et le placement des gens de mer, 1996**

**Record vote on the Recruitment and Placement
of Seafarers Convention, 1996**

**Votación nominal relativa al Convenio sobre la contratación
y la colocación de la gente de mar, 1996**

Pour/For/En Pro: 197

Contre/Against/En contra: 5

Abstentions/Abstentions/Abstenciones: 17

Quorum: 129

Pour/For/En Pro: 197

Allemagne/Germany/Alemania:

MAASSEN, Mr. (G)
LEMMER, Mr. (G)
LINDEMANN, Mr. (E)
BENZE, Mr.(T/W)

Argentine/Argentina:

BENITEZ, Sr. (G)
TOSONOTTI, Srta. (G)
CABRAL, Sr. (E)
MORATO, Sr.(T/W)

Australie/Australia:

HOLMES, Mr. (G)
BLOWER, Mr. (G)
PAYNE, Mr. (E)
ROSS, Mr.(T/W)

Belgique/Belgium/Bélgica:

LANNOY, M. (G)
VAN DEN HEULE, M. (G)

Brésil/Brazil/Brasil:

GONÇALVES BOMPET, Mr. (G)
MAGRO, Mr. (G)

Bulgarie/Bulgaria:

PETROV, Mr. (G)
DOBREV, Mr. (G)
MELKONIAN, Mrs. (E)
RADEV, Mr.(T/W)

Canada/Canadá:

GHUMAN, Mr. (G)
DAY, Mr. (G)
MONK, Ms. (E)
FUCHS, Mr.(T/W)

Chili/Chile:

SANCHEZ RODRIGUEZ, Sr. (G)
FERES NAZARALA, Sra. (G)
CATALAN GONZALEZ, Sr. (E)
ASTORGA LOBOS, Sr.(T/W)

Chine/China:

ZHANG, Mr.(T/W)

Chypre/Cyprus/Chipre:

MARKIDES, Ms. (G)
ZACKHEOS, Mr. (G)
KAZAKOS, Mr. (E)
STAVROU, Mr.(T/W)

Colombie/Colombia:

CASTRO GUERRERO, Sr. (G)
SAENZ VARGAS, Sr. (G)

*République de Corée/Republic of
Korea/República de Corea:*

CHANG, Mr. (G)
JEONG, Mr. (G)
PARK, Mr. (E)
KIM, Mr.(T/W)

Croatie/Croatia/Croacia:

MUSULIN, Ms. (G)
MADEY, Mr. (G)
BRAZZODURO, Mr.(T/W)

Cuba:

GUILLEN LANDRIAN, Sr. (G)
REYES RUIZ, Sr. (G)
ALFONSO DOMINGUEZ, Sr. (E)
JUSTO VILLAMIL, Sr.(T/W)

Danemark/Denmark/Dinamarca:

SOLLING OLSEN, Ms. (G)
VESTERGAARD, Mr. (G)
SPRINGBORG, Mr. (E)
FUNCH, Mr.(T/W)

Egypte/Egypt/Egipto:

AMAR, Mr. (E)

Espagne/Spain/España:

DE SEGOVIA, Sr. (G)
ALBALATE, Sr. (G)
SANCHEZ, Sr. (E)
MUÑOZ, Sr.(T/W)

Estonie/Estonia:

JAAKULA, Mr. (G)
PALLUM, Mr. (G)
KELDER, Ms. (E)
MULTANEN, Mr.(T/W)

Etats-Unis/United States/Estados Unidos:

YIM, Ms. (G)
KRUSA, Mr. (G)
FAY, Mr.(T/W)

Ethiopie/Ethiopia/Etiopía:

ALEMU GETAHUN, Mr. (G)

Finlande/Finland/Finlandia:

HALME, Mr. (G)
LONKA, Mr. (G)
LÖNNQVIST, Mr. (E)
GYLLENBERG, Mr.(T/W)

France/Francia:

SERRADJI, M. (G)
GASC, M. (G)
SULPICE, M. (E)
LEGOUAS, M.(T/W)

Grèce/Greece/Grecia:

PAPAKONSTANDINO, Mr. (G)
EXARCHOPOULOS, Mr. (G)

Inde/India:

PINTO, Mr. (G)
GHILDIYAL, Mr. (E)
BARNES, Mr.(T/W)

Indonésie/Indonesia:

SIMANJUNTAK, Mr. (G)
SIANTURI, Mr. (G)
NADLAR, Mr.(T/W)

République islamique d'Iran/Islamic Republic of Iran/República Islámica del Irán:

MIR, Mr.(T/W)

Irlande/Ireland/Irlanda:

TISDALL, Mr. (G)
O MUIRCHARTAIGH, Mr. (G)
MCGINTY, Mr. (E)
CULLEN, Mr.(T/W)

Islande/Iceland/Islandia:

THORGEIRSSON, Mr. (G)
GUNNARSSON, Mr. (G)
MAGNÚSSON, Mr. (E)
KJAERNESTED, Mr.(T/W)

Italie/Italy/Italia:

GIURGOLA, M. (G)
FINAMORE, Mme (G)
RAVERA, M. (E)
SOMMARIVA, M.(T/W)

Japon/Japan/Japón:

SAITO, Mr. (G)
KANAMARU, Mr. (G)
MASUDA, Mr. (E)
IIJIMA, Mr.(T/W)

Kenya:

NGARE, Mr. (G)

Liban/Lebanon/Libano:

HOUMANI, M.(T/W)

Jamahiriya arabe libyenne/Libyan Arab Jamahiriya/Jamahiriya

Arabe Libia:

DERBI, Mr. (G)
BENSHABAN, Mr. (G)
EL DURSSI, Mr.(T/W)

Luxembourg/Luxemburgo:

WEBER, M. (G)
DUHR, M. (G)
BAUSCH, M.(T/W)

Malaisie/Malaysia/Malasia:

ANUAR, Mr. (G)
ZAINAL, Mr. (G)
BALA, Mr.(T/W)

Malte/Malta:

VASSALLO, Mr. (G)
PACE, Mr. (G)
XERRI, Mr. (E)
ZARB, Mr.(T/W)

Mexique/Mexico/México:

SOSA MARQUEZ, Sra. (G)

PAYNO Y SANCHEZ, Sr. (G)
MARTINEZ RODRIGUEZ, Sr.(T/W)

Nigéria/Nigeria:

AIRIOHOUDION, Mr. (G)
HENRY, Mr. (G)
UKAUMUNNA, Mr.(T/W)

Norvège/Norway/Noruega:

KOBRO, Mr. (G)
FLATRUD, Mr. (G)
MIDELFART, Mrs. (E)
SKREDE, Ms.(T/W)

Nouvelle-Zélande/New Zealand/Nueva Zelandia:

MARTIN, Mr. (G)
WILSON, Ms. (G)
MILLER, Mr. (E)
MCLEOD, Mr.(T/W)

Panama/Panamá:

KAM B., Sr. (G)
AGUILAR J., Sr. (G)
MANZANARES, Sr. (E)
DEL CID RAMOS, Sr.(T/W)

Pays-Bas/Netherlands/Paises Bajos:

VAN DE REE, Mr. (G)
BLOOT, Mr. (G)
VAN MEENEN, Mr. (E)
VERHOEF, Mr.(T/W)

Pérou/Peru/Perú:

TINCOPA, Sra. (G)

Philippines/Filipinas:

PALOMO, Mr. (G)
FAJARDO, Ms. (G)
SALINAS, Mr. (E)
LAMUG, Mr.(T/W)

Pologne/Poland/Polonia:

DEMBINSKI, Mr. (G)
HENCZEL, Mr. (G)
NIEMIEC, Mr. (E)
CEGIELSKI, Mr.(T/W)

Portugal:

EUSÉBIO FILIPE, M. (G)
TOMÉ DE ALMEIDA, M. (G)
PAULO FARINHA, M. (E)
CHAGAS, M.(T/W)

Roumanie/Romania/Rumania:

CIRICA, M. (G)
ISTRATE, M. (G)
OPRIS, M. (E)

Royaume-Uni/United Kingdom/Reino Unido:

LUSTED, Mr. (E)
ORRELL, Mr.(T/W)

Fédération de Russie/Russian Federation/Federación de Rusia:

MIKHAILOV, Mr. (G)
ORLOV, Mr. (G)
MATSKIAVITCHUS, Mr. (E)
STARTCHENKO, Mr.(T/W)

Singapour/Singapore/Singapur:

SAY, Mr. (G)
LIM KHIM SENG, Mr. (E)
TAY JWEE HWA, Mr.(T/W)

Slovaquie/Slovakia/Eslovaquia:

SYKORA, Mr. (G)
MITKA, Mr. (G)

Slovénie/Slovenia/Eslovenia:

LOGAR, Mr. (G)
VALCIC, Mr. (G)
JURJEC, Mr. (E)
KRZARNIC, Mr.(T/W)

Soudan/Sudan/Sudán:

YAHIA ALI ADAM, Mr. (G)
MOHAMED ELBASHI MOHAMED KHEIR, Mr. (G)
ALI SIDDIG ALI, Mr. (E)
ELGINEED AHMED MOHAMED SALIH, Mr.(T/W)

Suède/Sweden/Suecia:

WALLSTRÖM, Ms. (G)
GOTARE, Mr. (G)
FRANSSON, Mr. (E)
ABRAHAMSSON, Mr.(T/W)

Suisse/Switzerland/Suiza:

HULLIGER, M. (G)
ELMIGER, M. (G)
NÜESCH, M. (E)
BAUMGARTNER, M.(T/W)

Thaïlande/Thailand/Tailandia:

NELAYOTHIN, Mr. (G)
WONGWIJARN R.T.N., Mr. (G)
BHAKDIBADHANABANIJ, Mr. (E)
CHAROENPHAO, Mr.(T/W)

Tunisie/Tunisia/Túnez:

YAHMADI, M. (G)
BAATI, M. (G)
SILLINI, M. (E)

Turquie/Turkey/Turquia:

DURUSOY, Mr. (G)
SEREF, Mr. (G)
UNSALEH, Mr. (E)
UZUN, Mr.(T/W)

Ukraine/Ucrania:

SUSHKIN, M. (G)
MAIMESKUL, M. (G)
SHUBOCHKIN, M. (E)
ZUBKOV, M.(T/W)

Uruguay:

ARIZTI, Sr. (G)
LASA, Sr. (G)
CICCOLO, Sr. (E)
LARROSA, Sr.(T/W)

Viet Nam:

HOANG THI HOA BINH, Mme (G)
BUI QUANG MINH, M. (G)

**Contre/Against/En
contra: 5**

Chine/China:

SHEN, Mr. (E)

Malaisie/Malaysia/Malasia:

AZMI, Mr. (E)

Roumanie/Romania/Rumania:

PETRE, M.(T/W)

Royaume-Uni/United Kingdom/Reino Unido:

HAMILTON, Mr. (G)
PARKINSON, Mr. (G)

**Abstentions/Abstentions/
Abstenciones: 17**

Algérie/Algeria/Argelia:

MESSAOUI, M. (G)
BELHOCINE, M. (G)
BENRAMOUL, M. (E)
TERKMANE, M.(T/W)

Chine/China:

ZHU, Mr. (G)
WU, Mr. (G)

Egypte/Egypt/Egipto:

ZAHRAN, Mr. (G)

Grèce/Greece/Grecia:

KOLTSIDPOULOS, Mr. (E)
HALAS, Mr.(T/W)

*République islamique
d'Iran/Islamic Republic of
Iran/República Islámica del Irán:*

GHADERI, Mr. (G)
KESHAVARZ, Mr. (E)

Koweït/Kuwait:

AL-SHEMMERI, Mr. (G)
ABDULLAH AL-ME'EDADI, Mr. (G)
BORABEE'AH, Mr. (E)

Liban/Lebanon/ libano:

GHORAYEB, M. (G)
SAAB, Mme (G)

Pakistan/Pakistán:

QAZI, Mr. (G)

**Vote par appel nominal sur la recommandation sur le recrutement
et le placement des gens de mer, 1996**

**Record vote on the Recruitment and Placement
of Seafarers Recommendation, 1996**

**Votación nominal relativa a la Recomendación sobre la contratación
y la colocación de la gente de mar, 1996**

Pour/For/En Pro: 201

Contre/Against/En contra: 4

Abstentions/Abstentions/Abstenciones: 10

Quorum: 129

Pour/For/En Pro: 201

Allemagne/Germany/Alemania:

MAASSEN, Mr. (G)
LEMMER, Mr. (G)
LINDEMANN, Mr. (E)
BENZE, Mr.(T/W)

Argentine/Argentina:

BENITEZ, Sr. (G)
TOSONOTTI, Srta. (G)
CABRAL, Sr. (E)
MORATO, Sr.(T/W)

Australie/Australia:

HOLMES, Mr. (G)
BLOWER, Mr. (G)
PAYNE, Mr. (E)
ROSS, Mr.(T/W)

Belgique/Belgium/Bélgica:

LANNOY, M. (G)
VAN DEN HEULE, M. (G)

Brésil/Brazil/Brasil:

GONÇALVES BOMPET, Mr. (G)
MAGRO, Mr. (G)

Bulgarie/Bulgaria:

PETROV, Mr. (G)
DOBREV, Mr. (G)
MELKONIAN, Mrs. (E)
RADEV, Mr.(T/W)

Canada/Canadá:

GHUMAN, Mr. (G)
DAY, Mr. (G)
MONK, Ms. (E)
FUCHS, Mr.(T/W)

Chili/Chile:

SANCHEZ RODRIGUEZ, Sr. (G)
FERES NAZARALA, Sra. (G)
CATALAN GONZALEZ, Sr. (E)
ASTORGA LOBOS, Sr.(T/W)

Chine/China:

ZHU, Mr. (G)
WU, Mr. (G)
SHEN, Mr. (E)
ZHANG, Mr.(T/W)

Chypre/Cyprus/Chipre:

KAZAKOS, Mr. (E)
STAVROU, Mr.(T/W)

Colombie/Colombia:

CASTRO GUERRERO, Sr. (G)

SAENZ VARGAS, Sr. (G)

*République de Corée/Republic of
Korea/República de Corea:*

CHANG, Mr. (G)
JEONG, Mr. (G)
PARK, Mr. (E)
KIM, Mr.(T/W)

Croatie/Croatia/Croacia:

MUSULIN, Ms. (G)
MADEY, Mr. (G)
BRAZZODURO, Mr.(T/W)

Cuba:

GUILLEN LANDRIAN, Sr. (G)
REYES RUIZ, Sr. (G)
ALFONSO DOMINGUEZ, Sr. (E)
JUSTO VILLAMIL, Sr.(T/W)

Danemark/Denmark/Dinamarca:

SOLLING OLSEN, Ms. (G)
VESTERGAARD, Mr. (G)
SPRINGBORG, Mr. (E)
FUNCH, Mr.(T/W)

Espagne/Spain/España:

DE SEGOVIA, Sr. (G)
ALBALATE, Sr. (G)
SANCHEZ, Sr. (E)
MUÑOZ, Sr.(T/W)

Estonie/Estonia:

JAAKULA, Mr. (G)
PALLUM, Mr. (G)
KELDER, Ms. (E)
MULTANEN, Mr.(T/W)

Etats-Unis/United States/Estados Unidos:

YIM, Ms. (G)
KRUSA, Mr. (G)
FAY, Mr.(T/W)

Ethiopie/Ethiopia/Etiopia:

ALEMU GETAHUN, Mr. (G)

Finlande/Finland/Finlandia:

HALME, Mr. (G)
LONKA, Mr. (G)
LÖNNQVIST, Mr. (E)
GYLLENBERG, Mr.(T/W)

France/Francia:

SERRADJI, M. (G)
GASC, M. (G)
SULPICE, M. (E)
LEGOUAS, M.(T/W)

Grèce/Greece/Grecia:

PAPAKONSTANDINO, Mr. (G)
EXARCHOPOULOS, Mr. (G)

Inde/India:

PINTO, Mr. (G)
GHILDIYAL, Mr. (E)
BARNES, Mr.(T/W)

Indonésie/Indonesia:

SIMANJUNTAK, Mr. (G)
SIANTURI, Mr. (G)
NADLAR, Mr.(T/W)

République islamique d'Iran/Islamic Republic of Iran/República Islámica del Irán:

FANNIZADEH, Mr. (G)
GHADERI, Mr. (G)
KESHAVARZ, Mr. (E)

MIR, Mr.(T/W)

Irlande/Ireland/Irlanda:

TISDALL, Mr. (G)
O MUIRCHEARTAIGH, Mr. (G)
MCGINTY, Mr. (E)
CULLEN, Mr.(T/W)

Islande/Iceland/Islandia:

THORGEIRSSON, Mr. (G)
GUNNARSSON, Mr. (G)
MAGNÚSSON, Mr. (E)
KJAERNESTED, Mr.(T/W)

Italie/Italy/Italia:

GIURGOLA, M. (G)
FINAMORE, Mme (G)
RAVERA, M. (E)
SOMMARIVA, M.(T/W)

Japon/Japan/Japón:

SAITO, Mr. (G)
KANAMARU, Mr. (G)
MASUDA, Mr. (E)
IIJIMA, Mr.(T/W)

Kenya:

NGARE, Mr. (G)

Koweït/Kuwait:

BORABEE'AH, Mr. (E)

Liban/Lebanon/Libano:

GHORAYEB, M. (G)
SAAB, Mme (G)
HOUMANI, M.(T/W)

Jamahiriya arabe libyenne/Libyan

Arab Jamahiriya/Jamahiriya

Arabe Libia:

DERBI, Mr. (G)
BENSHABAN, Mr. (G)
EL DURSSI, Mr.(T/W)

Luxembourg/Luxemburgo:

WEBER, M. (G)
DUHR, M. (G)
BAUSCH, M.(T/W)

Malaisie/Malaysia/Malasia:

ANUAR, Mr. (G)
ZAINAL, Mr. (G)
BALA, Mr.(T/W)

Malte/Malta:

VASSALLO, Mr. (G)
PACE, Mr. (G)
XERRI, Mr. (E)
CALAMATTA, Mr.(T/W)

Mexique/Mexico/México:

SOSA MARQUEZ, Sra. (G)
PAYNO Y SANCHEZ, Sr. (G)
MARTINEZ RODRIGUEZ, Sr.(T/W)

Mongolie/Mongolia:

GANBAATAR, Mr. (G)

Namibie/Namibia:

ANGULA, Mr.(T/W)

Nigéria/Nigeria:

AIRIOHOUDION, Mr. (G)
HENRY, Mr. (G)
UKAUMUNNA, Mr.(T/W)

Norvège/Norway/Noruega:

KOBRO, Mr. (G)
FLATRUD, Mr. (G)
MIDELFART, Mrs. (E)
SKREDE, Ms.(T/W)

Nouvelle-Zélande/New Zealand/Nueva Zelandia:

MARTIN, Mr. (G)
WILSON, Ms. (G)
MILLER, Mr. (E)
MCLEOD, Mr.(T/W)

Panama/Panamá:

KAM B., Sr. (G)
AGUILAR J., Sr. (G)
MANZANARES, Sr. (E)
DEL CID RAMOS, Sr.(T/W)

Pays-Bas/Netherlands/Paises Bajos:

VAN DE REE, Mr. (G)
BLOOT, Mr. (G)
VAN MEENEN, Mr. (E)
VERHOEF, Mr.(T/W)

Pérou/Peru/Perú:

TINCOPA, Sra. (G)

Philippines/Filipinas:

PALOMO, Mr. (G)
FAJARDO, Ms. (G)
SALINAS, Mr. (E)
LAMUG, Mr.(T/W)

Pologne/Poland/Polonia:

DEMBINSKI, Mr. (G)
HENCZEL, Mr. (G)
NIEMIEC, Mr. (E)
CEGIELSKI, Mr.(T/W)

Portugal:

EUSÉBIO FILIPE, M. (G)
TOMÉ DE ALMEIDA, M. (G)
PAULO FARINHA, M. (E)
CHAGAS, M.(T/W)

Roumanie/Romania/Rumania:

CIRICA, M. (G)
ISTRATE, M. (G)
SIMION, M. (E)

Royaume-Uni/United Kingdom/Reino Unido:

LUSTED, Mr. (E)
ORRELL, Mr.(T/W)

Fédération de Russie/Russian Federation/Federación de Rusia:

MIKHAILOV, Mr. (G)
ORLOV, Mr. (G)
MATSKIAVITCHUS, Mr. (E)
STARTCHENKO, Mr.(T/W)

Singapour/Singapore/Singapur:

SAY, Mr. (G)
LIM KHIM SENG, Mr. (E)
TAY JWEE HWA, Mr.(T/W)

Slovaquie/Slovakia/Eslovaquia:

SYKORA, Mr. (G)
MITKA, Mr. (G)

Slovénie/Slovenia/Eslovenia:

LOGAR, Mr. (G)
VALCIC, Mr. (G)
JURJEC, Mr. (E)
KRZNNARIC, Mr.(T/W)

Soudan/Sudan/Sudán:

YAHIA ALI ADAM, Mr. (G)

MOHAMED ELBASHI MOHAMED KHEIR, Mr. (G)

ALI SIDDIG ALI, Mr. (E)
ELGINEED AHMED MOHAMED SALIH, Mr.(T/W)

Suède/Sweden/Suecia:

WALLSTRÖM, Ms. (G)
GOTARE, Mr. (G)
FRANSSON, Mr. (E)
ABRAHAMSSON, Mr.(T/W)

Suisse/Switzerland/Suiza:

HULLIGER, M. (G)
ELMIGER, M. (G)
NÜESCH, M. (E)
BAUMGARTNER, M.(T/W)

Thaïlande/Thailand/Tailandia:

NELAYOTHIN, Mr. (G)
WONGWIJARN R.T.N., Mr. (G)
BHAKDIBADHANABANIJ, Mr. (E)
CHAROENPHAO, Mr.(T/W)

Tunisie/Tunisia/Túnez:

YAHMADI, M. (G)
BAATI, M. (G)
SILLINI, M. (E)

Turquie/Turkey/Turquia:

DURUSOY, Mr. (G)
SEREF, Mr. (G)
UNSALE, Mr. (E)
UZUN, Mr.(T/W)

Ukraine/Ucrania:

SUSHKIN, M. (G)
MAIMESKUL, M. (G)
SHUBOCHKIN, M. (E)
ZUBKOV, M.(T/W)

Viet Nam:

HOANG THI HOA BINH, Mme (G)
BUI QUANG MINH, M. (G)

Roumanie/Romania/Rumania:
PETRE, M.(T/W)

Royaume-Uni/United Kingdom/Reino Unido:
HAMILTON, Mr. (G)
PARKINSON, Mr. (G)

**Abstentions/Abstentions/
Abstenciones: 10**

Algérie/Algeria/Argelia:
MESSAOUI, M. (G)
BELHOCINE, M. (G)
BENRAMOUL, M. (E)
TERKMANE, M.(T/W)

Egypte/Egypt/Egipto:
ZAHRA, Mr. (G)

Grèce/Greece/Grecia:
KOLTSIDPOULOS, Mr. (E)
HALAS, Mr.(T/W)

Koweït/Kuwait:
AL-SHEMMERI, Mr. (G)
ABDULLAH AL-ME'EDADI, Mr. (G)

Pakistan/Pakistan:
QAZI, Mr. (G)

**Contre/Against/En
contra: 4**

Malaisie/Malaysia/Malasia:
AZMI, Mr. (E)

**Vote par appel nominal sur la convention sur la durée du travail
des gens de mer et les effectifs des navires, 1996**

**Record vote on the Seafarers' Hours of Work and the Manning
of Ships Convention, 1996**

**Votación nominal relativa al Convenio sobre las horas de trabajo
a bordo y la dotación de los buques, 1996**

Pour/For/En Pro: 209

Contre/Against/En contra: 1

Abstentions/Abstentions/Abstenciones: 13

Quorum: 129

Pour/For/En Pro: 209

Algérie/Algeria/Argelia:

MESSAOUI, M. (G)
BELHOCINE, M. (G)
BENRAMOUL, M. (E)
TERKMANE, M.(T/W)

Allemagne/Germany/Alemania:

MAASSEN, Mr. (G)
LEMMER, Mr. (G)
LINDEMANN, Mr. (E)
BENZE, Mr.(T/W)

Argentine/Argentina:

BENITEZ, Sr. (G)
TOSONOTTI, Srta. (G)
CABRAL, Sr. (E)
MORATO, Sr.(T/W)

Australie/Australia:

HOLMES, Mr. (G)
BLOWER, Mr. (G)
PAYNE, Mr. (E)
ROSS, Mr.(T/W)

Belgique/Belgium/Bélgica:

LANNOY, M. (G)
VAN DEN HEULE, M. (G)

Brésil/Brazil/Brasil:

GONÇALVES BOMPET, Mr. (G)
MAGRO, Mr. (G)

Bulgarie/Bulgaria:

PETROV, Mr. (G)
DOBREV, Mr. (G)
MELKONIAN, Mrs. (E)
RADEV, Mr.(T/W)

Canada/Canadá:

GHUMAN, Mr. (G)
DAY, Mr. (G)
MONK, Ms. (E)
FUCHS, Mr.(T/W)

Chili/Chile:

SANCHEZ RODRIGUEZ, Sr. (G)
FERES NAZARALA, Sra. (G)
MORALES VILLAMOR, Sr. (E)
ASTORGA LOBOS, Sr.(T/W)

Chine/China:

ZHU, Mr. (G)
WU, Mr. (G)
SHEN, Mr. (E)
ZHANG, Mr.(T/W)

Chypre/Cyprus/Chipre:

MARKIDES, Ms. (G)
ZACKHEOS, Mr. (G)
KAZAKOS, Mr. (E)
STAVROU, Mr.(T/W)

Colombie/Colombia:

CASTRO GUERRERO, Sr. (G)
SAENZ VARGAS, Sr. (G)

***République de Corée/Republic of
Korea/República de Corea:***

CHANG, Mr. (G)
JEONG, Mr. (G)
PARK, Mr. (E)
KIM, Mr.(T/W)

Croatie/Croatia/Croacia:

MUSULIN, Ms. (G)
MADEY, Mr. (G)
BRAZZODURO, Mr.(T/W)

Danemark/Denmark/Dinamarca:

SOLLING OLSEN, Ms. (G)
VESTERGAARD, Mr. (G)
SPRINGBORG, Mr. (E)
FUNCH, Mr.(T/W)

Espagne/Spain/España:

DE SEGOVIA, Sr. (G)
ALBALATE, Sr. (G)
SANCHEZ, Sr. (E)
MUÑOZ, Sr.(T/W)

Estonie/Estonia:

JAAKULA, Mr. (G)
PALLUM, Mr. (G)
KELDER, Ms. (E)
MULTANEN, Mr.(T/W)

Etats-Unis/United States/Estados Unidos:

YIM, Ms. (G)
KRUSA, Mr. (G)
FAY, Mr.(T/W)

Ethiopie/Ethiopia/Etiopía:

ALEMU GETAHUN, Mr. (G)

Finlande/Finland/Finlandia:

HALME, Mr. (G)
LONKA, Mr. (G)
LÖNNQVIST, Mr. (E)
GYLLENBERG, Mr.(T/W)

France/Francia:

SERRADJI, M. (G)
GASC, M. (G)
SULPICE, M. (E)
LEGOUAS, M.(T/W)

Gabon/Gabón:

NZIENGUI, M. (G)

Grèce/Greece/Grecia:

PAPAKONSTANDINO, Mr. (G)
EXARCHOPOULOS, Mr. (G)
KOLTSIDPOULOS, Mr. (E)
HALAS, Mr.(T/W)

Inde/India:

PINTO, Mr. (G)
GHILDIYAL, Mr. (E)
BARNES, Mr.(T/W)

Indonésie/Indonesia:

SIMANJUNTAK, Mr. (G)
SIANTURI, Mr. (G)
NADLAR, Mr.(T/W)

République islamique d'Iran/Islamic Republic of Iran/República Islámica del Irán:

FANNIZADEH, Mr. (G)
GHADERI, Mr. (G)
KESHAVARZ, Mr. (E)
MIR, Mr.(T/W)

Irlande/Ireland/Irlanda:

TISDALL, Mr. (G)
O MUIRCHARTAIGH, Mr. (G)
MCGINTY, Mr. (E)
CULLEN, Mr.(T/W)

Islande/Iceland/Islandia:

THORGEIRSSON, Mr. (G)
GUNNARSSON, Mr. (G)
MAGNÚSSON, Mr. (E)
KJAERNESTED, Mr.(T/W)

Italie/Italy/Italia:

GIURGOLA, M. (G)
FINAMORE, Mme (G)
RAVERA, M. (E)
SOMMARIVA, M.(T/W)

Japon/Japan/Japón:

SAITO, Mr. (G)
KANAMARU, Mr. (G)
MASUDA, Mr. (E)
IJIMA, Mr.(T/W)

Kenya:

NGARE, Mr. (G)

Liban/Lebanon/Libano:

HOUMANI, M.(T/W)

Jamahiriya arabe libyenne/Libyan

Arab Jamahiriya/Jamahiriya
Arabe Libia:

DERBI, Mr. (G)
BENSHABAN, Mr. (G)
EL DURSSI, Mr.(T/W)

Luxembourg/Luxemburgo:

WEBER, M. (G)
DUHR, M. (G)
BAUSCH, M.(T/W)

Malaisie/Malaysia/Malasia:

ANUAR, Mr. (G)
ZAINAL, Mr. (G)

BALA, Mr.(T/W)

Malte/Malta:

VASSALLO, Mr. (G)
PACE, Mr. (G)
XERRI, Mr. (E)
CALAMATTA, Mr.(T/W)

Mexique/Mexico/México:

SOSA MARQUEZ, Sra. (G)
PAYNO Y SANCHEZ, Sr. (G)
MARTINEZ RODRIGUEZ, Sr.(T/W)

Mongolie/Mongolia:

GANBAATAR, Mr. (G)

Namibie/Namibia:

DAX, Mr. (G)
KOTZE, Mr. (G)

Nigéria/Nigeria:

AIRIOHOUDION, Mr. (G)
HENRY, Mr. (G)
UKAUMUNNA, Mr.(T/W)

Norvège/Norway/Noruega:

KOBRO, Mr. (G)
FLATRUD, Mr. (G)
MIDELFART, Mrs. (E)
SKREDE, Ms.(T/W)

Nouvelle-Zélande/New Zealand/Nueva Zelandia:

MARTIN, Mr. (G)
WILSON, Ms. (G)
MILLER, Mr. (E)
MCLEOD, Mr.(T/W)

Panama/Panamá:

KAM B., Sr. (G)
AGUILAR J., Sr. (G)
MANZANARES, Sr. (E)
DEL CID RAMOS, Sr.(T/W)

Pays-Bas/Netherlands/Paises Bajos:

VAN DE REE, Mr. (G)
BLOOT, Mr. (G)
VAN MEENEN, Mr. (E)
VERHOEF, Mr.(T/W)

Pérou/Peru/Perú:

TINCOPA, Sra. (G)

Philippines/Filipinas:

PALOMO, Mr. (G)
FAJARDO, Ms. (G)
SALINAS, Mr. (E)
LAMUG, Mr.(T/W)

Pologne/Poland/Polonia:

DEMBINSKI, Mr. (G)
HENCZEL, Mr. (G)
NIEMIEC, Mr. (E)
CEGIELSKI, Mr.(T/W)

Portugal:

EUSÉBIO FILIPE, M. (G)
TOMÉ DE ALMEIDA, M. (G)
PAULO FARINHA, M. (E)
CHAGAS, M.(T/W)

Roumanie/Romania/Rumania:

CIRICA, M. (G)
ISTRATE, M. (G)
OPRIS, M. (E)
PETRE, M.(T/W)

Royaume-Uni/United Kingdom/Reino Unido:

LUSTED, Mr. (E)
ORRELL, Mr.(T/W)

Fédération de Russie/Russian Federation/Federación de Rusia:

MIKHAILOV, Mr. (G)
ORLOV, Mr. (G)
MATSKIAVITCHUS, Mr. (E)
STARTCHENKO, Mr.(T/W)

Singapour/Singapore/Singapur:

SAY, Mr. (G)
LIM KHIM SENG, Mr. (E)
TAY JWEE HWA, Mr.(T/W)

Slovaquie/Slovakia/Eslovaquia:

SYKORA, Mr. (G)
MITKA, Mr. (G)

Slovénie/Slovenia/Eslovenia:

LOGAR, Mr. (G)
VALCIC, Mr. (G)
JURJEC, Mr. (E)
KRZNARIC, Mr.(T/W)

Soudan/Sudan/Sudán:

YAHIA ALI ADAM, Mr. (G)

MOHAMED ELBASHI MOHAMED KHEIR, Mr. (G)

ALI SIDDIG ALI, Mr. (E)
ELGINEED AHMED MOHAMED SALIH, Mr.(T/W)

Suède/Sweden/Suecia:

WALLSTRÖM, Ms. (G)
GOTARE, Mr. (G)
FRANSSON, Mr. (E)
ABRAHAMSSON, Mr.(T/W)

Suisse/Switzerland/Suiza:

HULLIGER, M. (G)
ELMIGER, M. (G)
NÜESCH, M. (E)
BAUMGARTNER, M.(T/W)

Thaïlande/Thailand/Tailandia:

NELAYOTHIN, Mr. (G)
WONGWIJARN R.T.N., Mr. (G)
BHAKDIBADHANABANIJ, Mr. (E)
CHAROENPHAO, Mr.(T/W)

Tunisie/Tunisia/Túnez:

YAHMADI, M. (G)
BAATI, M. (G)
SILLINI, M. (E)

Turquie/Turkey/Turquia:

DURUSOY, Mr. (G)
SEREF, Mr. (G)
UNSALEH, Mr. (E)
UZUN, Mr.(T/W)

Ukraine/Ucrania:

SUSHKIN, M. (G)
MAIMESKUL, M. (G)
SHUBOCHKIN, M. (E)
ZUBKOV, M.(T/W)

Uruguay:

ARIZTI, Sr. (G)
LASA, Sr. (G)
CICCOLO, Sr. (E)
LARROSA, Sr.(T/W)

Viet Nam:

HOANG THI HOA BINH, Mme (G)
BUI QUANG MINH, M. (G)

Contre/Against/En contra: 1

Malaisie/Malaysia/Malasia:

AZMI, Mr. (E)

Abstentions/Abstentions/ Abstenciones: 13

Cuba:

GUILLEN LANDRIAN, Sr. (G)
REYES RUIZ, Sr. (G)
ALFONSO DOMINGUEZ, Sr. (E)
JUSTO VILLAMIL, Sr.(T/W)

Egypte/Egypt/Egipto:

ZAHARAN, Mr. (G)

Koweït/Kuwait:

AL-SHEMMERI, Mr. (G)
ABDULLAH AL-ME'EDADI, Mr. (G)
BORABEE'AH, Mr. (E)

Liban/Lebanon/Libano:

GHORAYEB, M. (G)
SAAB, Mme (G)

Pakistan/Pakistán:

QAZI, Mr. (G)

Royaume-Uni/United Kingdom/Reino Unido:

HAMILTON, Mr. (G)
PARKINSON, Mr. (G)

**Vote par appel nominal sur la recommandation sur les salaires,
la durée du travail des gens de mer et les effectifs des navires, 1996**

**Record vote on the Seafarers' Wages, Hours of Work
and the Manning of Ships Recommendation, 1996**

**Votación nominal relativa a la Recomendación sobre los salarios,
las horas de trabajo a bordo y la dotación de los buques, 1996**

Pour/For/En Pro: 197

Contre/Against/En contra: 11

Abstentions/Abstentions/Abstenciones: 16

Quorum: 129

Pour/For/En Pro: 197

Algérie/Algeria/Argelia:

TERKMANE, M.(T/W)

Allemagne/Germany/Alemania:

MAASSEN, Mr. (G)

LEMMER, Mr. (G)

LINDEMANN, Mr. (E)

BENZE, Mr.(T/W)

Argentine/Argentina:

BENITEZ, Sr. (G)

TOSONOTTI, Srta. (G)

CABRAL, Sr. (E)

MORATO, Sr.(T/W)

Australie/Australia:

HOLMES, Mr. (G)

BLOWER, Mr. (G)

PAYNE, Mr. (E)

ROSS, Mr.(T/W)

Bangladesh:

ISLAM, Mr. (G)

Belgique/Belgium/Bélgica:

LANNOY, M. (G)

VAN DEN HEULE, M. (G)

Brésil/Brazil/Brasil:

GONÇALVES BOMPET, Mr. (G)

MAGRO, Mr. (G)

Bulgarie/Bulgaria:

PETROV, Mr. (G)

DOBREV, Mr. (G)

MELKONIAN, Mrs. (E)

RADEV, Mr.(T/W)

Canada/Canadá:

GHUMAN, Mr. (G)

DAY, Mr. (G)

MONK, Ms. (E)

FUCHS, Mr.(T/W)

Chili/Chile:

MORALES VILLAMOR, Sr. (E)

ASTORGA LOBOS, Sr.(T/W)

Chine/China:

ZHU, Mr. (G)

WU, Mr. (G)

QIN, Mr. (E)

ZHANG, Mr.(T/W)

Chypre/Cyprus/Chipre:

MARKIDES, Ms. (G)

ZACKHEOS, Mr. (G)

KAZAKOS, Mr. (E)

STAVROU, Mr.(T/W)

Colombie/Colombia:

CASTRO GUERRERO, Sr. (G)

SAENZ VARGAS, Sr. (G)

*République de Corée/Republic of
Korea/República de Corea:*

CHANG, Mr. (G)

JEONG, Mr. (G)

PARK, Mr. (E)

KIM, Mr.(T/W)

Croatie/Croatia/Croacia:

MUSULIN, Ms. (G)

MADEY, Mr. (G)

BRAZZODURO, Mr.(T/W)

Danemark/Denmark/Dinamarca:

SOLLING OLSEN, Ms. (G)

VESTERGAARD, Mr. (G)

SPRINGBORG, Mr. (E)

FUNCH, Mr.(T/W)

Espagne/Spain/España:

DE SEGOVIA, Sr. (G)
ALBALATE, Sr. (G)
SANTIAGO, Sr. (E)
MUÑOZ, Sr.(T/W)

Estonie/Estonia:

JAAKULA, Mr. (G)
PALLUM, Mr. (G)
KELDER, Ms. (E)
MULTANEN, Mr.(T/W)

Etats-Unis/United States/Estados Unidos:

YIM, Ms. (G)
KRUSA, Mr. (G)
FAY, Mr.(T/W)

Ethiopie/Ethiopia/Etiopia:

ALEMU GETAHUN, Mr. (G)

Finlande/Finland/Finlandia:

HALME, Mr. (G)
LONKA, Mr. (G)
LÖNNQVIST, Mr. (E)
GYLLENBERG, Mr.(T/W)

France/Francia:

SERRADJI, M. (G)
GASC, M. (G)
SULPICE, M. (E)
LEGOUAS, M.(T/W)

Gabon/Gabón:

NZIENGUI, M. (G)

Grèce/Greece/Grecia:

PAPAKONSTANDINOY, Mr. (G)
EXARCHOPOULOS, Mr. (G)
KOLTSIDOPOULOS, Mr. (E)
HALAS, Mr.(T/W)

Inde/India:

PINTO, Mr. (G)
GHILDYAL, Mr. (E)
BARNES, Mr.(T/W)

Indonésie/Indonesia:

SIMANJUNTAK, Mr. (G)
SIANTURI, Mr. (G)
NADLAR, Mr.(T/W)

Irlande/Ireland/Irlanda:

TISDALL, Mr. (G)
O MUIRCHARTAIGH, Mr. (G)
MCGINTY, Mr. (E)
CULLEN, Mr.(T/W)

Islande/Iceland/Islandia:

THORGEIRSSON, Mr. (G)
GUNNARSSON, Mr. (G)
MAGNÚSSON, Mr. (E)
KJAERNESTED, Mr.(T/W)

Italie/Italy/Italia:

GIURGOLA, M. (G)
FINAMORE, Mme (G)
RAVERA, M. (E)
SOMMARIVA, M.(T/W)

Japon/Japan/Japón:

SAITO, Mr. (G)
KANAMARU, Mr. (G)
MASUDA, Mr. (E)
IIJIMA, Mr.(T/W)

Kenya:

NGARE, Mr. (G)

Koweït/Kuwait:

BORABEE'AH, Mr. (E)

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Arab Jamahiriya/Jamahiriya

Arabe Libia:

DERBI, Mr. (G)
BENSHABAN, Mr. (G)
EL DURSSI, Mr.(T/W)

Luxembourg/Luxemburgo:

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DUHR, M. (G)
BAUSCH, M.(T/W)

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ZAINAL, Mr. (G)
BALA, Mr.(T/W)

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VASSALLO, Mr. (G)
PACE, Mr. (G)
XERRI, Mr. (E)
CALAMATTA, Mr.(T/W)

Mexique/Mexico/México:

SOSA MARQUEZ, Sra. (G)
PAYNO Y SANCHEZ, Sr. (G)
MARTINEZ RODRIGUEZ, Sr.(T/W)

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KOTZE, Mr. (G)

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MCLEOD, Mr.(T/W)

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DEL CID RAMOS, Sr.(T/W)

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VAN MEENEN, Mr. (E)
VERHOEF, Mr.(T/W)

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SALINAS, Mr. (E)
LAMUG, Mr.(T/W)

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HENCZEL, Mr. (G)
NIEMIEC, Mr. (E)
CEGIELSKI, Mr.(T/W)

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PETRE, M.(T/W)

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ORLOV, Mr. (G)
MATSKIAVITCHUS, Mr. (E)
STARTCHENKO, Mr.(T/W)

Singapour/Singapore/Singapur:

SAY, Mr. (G)
LIM KHIM SENG, Mr. (E)
TAY JWEE HWA, Mr.(T/W)

Slovaquie/Slovakia/Eslovaquia:

SYKORA, Mr. (G)
MITKA, Mr. (G)

Slovénie/Slovenia/Eslovenia:

LOGAR, Mr. (G)
VALCIC, Mr. (G)
JURJEC, Mr. (E)
KRZJARIC, Mr.(T/W)

Soudan/Sudan/Sudán:

YAHIA ALI ADAM, Mr. (G)
MOHAMED ELBASHI MOHAMED KHEIR, Mr. (G)
ALI SIDDIG ALI, Mr. (E)
ELGINEED AHMED MOHAMED SALIH, Mr.(T/W)

Suède/Sweden/Suecia:

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GOTARE, Mr. (G)
FRANSSON, Mr. (E)
ABRAHAMSSON, Mr.(T/W)

Suisse/Switzerland/Suiza:

HULLIGER, M. (G)
ELMIGER, M. (G)
NÜESCH, M. (E)
BAUMGARTNER, M.(T/W)

Thaïlande/Thailand/Tailandia:

NELAYOTHIN, Mr. (G)
WONGWIJARN R.T.N., Mr. (G)
BHAKDIBADHANABANJ, Mr. (E)
CHAROENPHAO, Mr.(T/W)

Turquie/Turkey/Turquia:

DURUSOY, Mr. (G)
SEREF, Mr. (G)
UNSALEH, Mr. (E)
UZUN, Mr.(T/W)

Ukraine/Ucrania:

SUSHKIN, M. (G)
MAIMESKUL, M. (G)
SHUBOCHKIN, M. (E)
ZUBKOV, M.(T/W)

Uruguay:

ARIZTI, Sr. (G)
LASA, Sr. (G)
CICCOLO, Sr. (E)
LARROSA, Sr.(T/W)

Viet Nam:

HOANG THI HOA BINH, Mme (G)
BUI QUANG MINH, M. (G)

**Contre/Against/En
contra: 11**

Egypte/Egypt/Egipto:

ZAHARAN, Mr. (G)

République islamique

d'Iran/Islamic Republic of Iran/República Islámica del Irán:

FANNIZADEH, Mr. (G)
GHADERI, Mr. (G)

KESHAVARZ, Mr. (E)

MIR, Mr.(T/W)

Malaisie/Malaysia/Malasia:

AZMI, Mr. (E)

Royaume-Uni/United

Kingdom/Reino Unido:

HAMILTON, Mr. (G)
PARKINSON, Mr. (G)

Tunisie/Tunisia/Túnez:

YAHMADI, M. (G)
BAATI, M. (G)
SILLINI, M. (E)

**Abstentions/Abstentions/
Abstenciones: 16**

Algérie/Algeria/Argelia:

MESSAOUI, M. (G)
BELHOCINE, M. (G)
BENRAMOUL, M. (E)

Chili/Chile:

SANCHEZ RODRIGUEZ, Sr. (G)
FERES NAZARALA, Sra. (G)

Cuba:

GUILLEN LANDRIAN, Sr. (G)
REYES RUIZ, Sr. (G)
ALFONSO DOMINGUEZ, Sr. (E)
JUSTO VILLAMIL, Sr.(T/W)

Koweït/Kuwait:

AL-SHEMMERI, Mr. (G)
ABDULLAH AL-ME'EDADI, Mr. (G)

Liban/Lebanon/Libano:

GHORAYEB, M. (G)
SAAB, Mme (G)

Nouvelle-Zélande/New Zealand/Nueva Zelandia:

MARTIN, Mr. (G)
WILSON, Ms. (G)

Pakistan/Pakistán:

QAZI, Mr. (G)

**Vote par appel nominal sur le protocole de 1996 relatif à la convention
sur la marine marchande (normes minima), 1976**

**Record vote on the Protocol of 1996 to the Merchant Shipping
(Minimum Standards) Convention, 1976**

**Votación nominal relativa al Protocolo de 1996 relativo al Convenio
sobre la marina mercante (normas mínimas), 1976**

Pour/For/En Pro: 201

Contre/Against/En contra: 4

Abstentions/Abstentions/Abstenciones: 19

Quorum: 129

Pour/For/En Pro: 201

Algérie/Algeria/Argelia:

MESSAOUI, M. (G)
BELHOCINE, M. (G)
BENRAMOUL, M. (E)
TERKMANE, M. (T/W)

Allemagne/Germany/Alemania:

MAASSEN, Mr. (G)
LEMMER, Mr. (G)
LINDEMANN, Mr. (E)
BENZE, Mr. (T/W)

Argentine/Argentina:

BENITEZ, Sr. (G)
TOSONOTTI, Srta. (G)
CABRAL, Sr. (E)
MORATO, Sr. (T/W)

Australie/Australia:

HOLMES, Mr. (G)
BLOWER, Mr. (G)
PAYNE, Mr. (E)
ROSS, Mr. (T/W)

Bangladesh:

ISLAM, Mr. (G)

Belgique/Belgium/Bélgica:

LANNOY, M. (G)
VAN DEN HEULE, M. (G)

Brésil/Brazil/Brasil:

GONÇALVES BOMPET, Mr. (G)
MAGRO, Mr. (G)

Bulgarie/Bulgaria:

DOBREV, Mr. (G)
MELKONIAN, Mrs. (E)
RADEV, Mr. (T/W)

Canada/Canadá:

GHUMAN, Mr. (G)
DAY, Mr. (G)
MONK, Ms. (E)
FUCHS, Mr. (T/W)

Chili/Chile:

SANCHEZ RODRIGUEZ, Sr. (G)
FERES NAZARALA, Srta. (G)
MORALES VILLAMOR, Sr. (E)
ASTORGA LOBOS, Sr. (T/W)

Chine/China:

ZHU, Mr. (G)
WU, Mr. (G)
SHEN, Mr. (E)

ZHANG, Mr. (T/W)

Chypre/Cyprus/Chipre:

MARKIDES, Ms. (G)
ZACKHEOS, Mr. (G)
KAZAKOS, Mr. (E)
STAVROU, Mr. (T/W)

Colombie/Colombia:

CASTRO GUERRERO, Sr. (G)
SAENZ VARGAS, Sr. (G)

*République de Corée/Republic of
Korea/República de Corea:*

KIM, Mr. (T/W)

Croatie/Croatia/Croacia:

MUSULIN, Ms. (G)
MADEY, Mr. (G)
BRAZZODURO, Mr. (T/W)

Danemark/Denmark/Dinamarca:

SOLLING OLSEN, Ms. (G)
VESTERGAARD, Mr. (G)
SPRINGBORG, Mr. (E)
FUNCH, Mr. (T/W)

Espagne/Spain/España:

DE SEGOVIA, Sr. (G)
ALBALATE, Sr. (G)
SANCHEZ, Sr. (E)
MUÑOZ, Sr.(T/W)

Estonie/Estonia:

JAAKULA, Mr. (G)
PALLUM, Mr. (G)
KELDER, Ms. (E)
MULTANEN, Mr.(T/W)

Etats-Unis/United States/Estados Unidos:

YIM, Ms. (G)
KRUSA, Mr. (G)
FAY, Mr.(T/W)

Ethiopie/Ethiopia/Etiopia:

ALEMU GETAHUN, Mr. (G)

Finlande/Finland/Finlandia:

HALME, Mr. (G)
LONKA, Mr. (G)
LÖNNQVIST, Mr. (E)
GYLLENBERG, Mr.(T/W)

France/Francia:

SERRADJI, M. (G)
SULPICE, M. (E)
LEGOUAS, M.(T/W)

Gabon/Gabón:

NZIENGUI, M. (G)

Grèce/Greece/Grecia:

PAPAKONSTANDINO, Mr. (G)
EXARCHOPOULOS, Mr. (G)
KOLTSIDPOULOS, Mr. (E)
HALAS, Mr.(T/W)

Inde/India:

GHILDIYAL, Mr. (E)
BARNES, Mr.(T/W)

Indonésie/Indonesia:

SIMANJUNTAK, Mr. (G)
SIANTURI, Mr. (G)
NADLAR, Mr.(T/W)

République islamique d'Iran/Islamic Republic of Iran/República Islámica del Irán:

FANNIZADEH, Mr. (G)

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MIR, Mr.(T/W)

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TISDALL, Mr. (G)
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ZAINAL, Mr. (G)
BALA, Mr.(T/W)

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XERRI, Mr. (E)

CALAMATTA, Mr.(T/W)

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MITKA, Mr. (G)

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KRZJARIC, Mr.(T/W)

Soudan/Sudan/Sudán:

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UZUN, Mr.(T/W)

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CICCOLO, Sr. (E)
LARROSA, Sr.(T/W)

Viet Nam:

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BUI QUANG MINH, M. (G)

**Contre/Against/En
contra: 4**

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Inde/India:

PINTO, Mr. (G)

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KESHAVARZ, Mr. (E)

Malaisie/Malaysia/Malasia:

AZMI, Mr. (E)

**Abstentions/Abstentions/
Abstenciones: 19**

Bulgarie/Bulgaria:

PETROV, Mr. (G)

République de Corée/Republic of Korea/República de Corea:

CHANG, Mr. (G)
JEONG, Mr. (G)

Cuba:

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REYES RUIZ, Sr. (G)
ALFONSO DOMINGUEZ, Sr. (E)
JUSTO VILLAMIL, Sr.(T/W)

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ABDULLAH AL-ME'EDADI, Mr. (G)
BORABEE'AH, Mr. (E)

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SAAB, Mme (G)

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KOTZE, Mr. (G)

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QAZI, Mr. (G)

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HAMILTON, Mr. (G)
PARKINSON, Mr. (G)

Tunisie/Tunisia/Túnez:

SILLINI, M. (E)

**AUTHENTIC TEXTS OF INSTRUMENTS ADOPTED
BY THE CONFERENCE**

International Labour Conference

Conférence internationale du Travail

CONVENTION 178

CONVENTION CONCERNING THE INSPECTION
OF SEAFARERS' WORKING AND LIVING CONDITIONS,
ADOPTED BY THE CONFERENCE AT ITS
EIGHTY-FOURTH SESSION, GENEVA, 22 OCTOBER 1996

CONVENTION 178

CONVENTION CONCERNANT L'INSPECTION DES CONDITIONS
DE TRAVAIL ET DE VIE DES GENS DE MER,
ADOPTÉE PAR LA CONFÉRENCE À SA
QUATRE-VINGT-QUATRIÈME SESSION, GENÈVE, 22 OCTOBRE 1996

Convention 178

**CONVENTION CONCERNING THE INSPECTION OF SEAFARERS'
WORKING AND LIVING CONDITIONS**

The General Conference of the International Labour Organization,
Having been convened at Geneva by the Governing Body of the International Labour Office and having met in its Eighty-fourth Session on 8 October 1996, and
Noting the changes in the nature of the shipping industry and, as a consequence thereof, the changes in seafarers' working and living conditions since the Labour Inspection (Seamen) Recommendation, 1926, was adopted, and
Recalling the provisions of the Labour Inspection Convention and Recommendation, 1947, the Labour Inspection (Mining and Transport) Recommendation, 1947, and the Merchant Shipping (Minimum Standards) Convention, 1976, and
Recalling the entry into force of the United Nations Convention on the Law of the Sea, 1982, on 16 November 1994, and
Having decided upon the adoption of certain proposals with regard to the revision of the Labour Inspection (Seamen) Recommendation, 1926, which is the first item on the agenda of the session, and
Having determined that these proposals shall take the form of an international Convention for flag State implementation only;
adopts, this twenty-second day of October of the year one thousand nine hundred and ninety-six, the following Convention, which may be cited as the Labour Inspection (Seafarers) Convention, 1996:

PART I. SCOPE AND DEFINITIONS

Article 1

1. Except as otherwise provided in this Article, this Convention applies to every seagoing ship, whether publicly or privately owned, which is registered in the territory of a Member for which the Convention is in force and is engaged in the transport of cargo or passengers for the purpose of trade or is employed for any other commercial purpose. For the purpose of this Convention, a ship that is on the register of two Members is deemed to be registered in the territory of the Member whose flag it flies.

2. National laws or regulations shall determine which ships are to be regarded as seagoing ships for the purpose of this Convention.

3. This Convention applies to seagoing tugs.

4. This Convention does not apply to vessels less than 500 gross tonnage and, when not engaged in navigation, vessels such as oil rigs and drilling platforms. The decision as to which vessels are covered by this paragraph shall be taken by the central coordinating authority in consultation with the most representative organizations of shipowners and seafarers.

5. To the extent the central coordinating authority deems it practicable, after consulting the representative organizations of fishing vessel owners and fishermen, the provisions of this Convention shall apply to commercial maritime fishing vessels.

6. In the event of any doubt as to whether or not any ships are to be regarded as engaged in commercial maritime operations or commercial maritime fishing for the purpose of this Convention, the question shall be determined by the central coordinating authority after consulting the organizations of shipowners, seafarers and fishermen concerned.

7. For the purpose of this Convention:

**CONVENTION CONCERNANT L'INSPECTION DES CONDITIONS
DE TRAVAIL ET DE VIE DES GENS DE MER**

La Conférence générale de l'Organisation internationale du Travail,
Convoquée à Genève par le Conseil d'administration du Bureau international
du Travail, et s'y étant réunie le 8 octobre 1996, en sa quatre-vingt-
quatrième session;
Notant les changements survenus dans la nature du secteur maritime et les
changements qui en résultent pour les conditions de travail et de vie des
gens de mer depuis que la recommandation sur l'inspection du travail
(gens de mer), 1926, a été adoptée;
Rappelant les dispositions de la convention et de la recommandation sur
l'inspection du travail, 1947; de la recommandation sur l'inspection du
travail (mines et transports), 1947, et de la convention sur la marine
marchande (normes minima), 1976;
Rappelant l'entrée en vigueur, le 16 novembre 1994, de la Convention des
Nations Unies sur le droit de la mer, 1982;
Après avoir décidé d'adopter diverses propositions relatives à la révision de
la recommandation sur l'inspection du travail (gens de mer), 1926,
question qui constitue le premier point à l'ordre du jour de la session;
Après avoir décidé que ces propositions prendraient la forme d'une
convention internationale s'appliquant seulement à l'Etat du pavillon,
adopte, ce vingt-deuxième jour d'octobre mil neuf cent quatre-vingt-seize, la
convention ci-après, qui sera dénommée Convention sur l'inspection du travail (gens
de mer), 1996.

PARTIE I. CHAMP D'APPLICATION ET DÉFINITIONS

Article 1

1. Sous réserve des dispositions contraires figurant dans le présent article, la présente convention s'applique à tout navire de mer immatriculé dans le territoire d'un Membre pour lequel la convention est en vigueur, de propriété publique ou privée, affecté, à des fins commerciales, au transport de marchandises ou de passagers ou utilisé à d'autres fins commerciales. Aux fins de la convention, un navire qui est immatriculé dans le territoire de deux Membres est considéré comme étant immatriculé dans le territoire de celui dont il bat le pavillon.

2. La législation nationale déterminera quels navires seront réputés navires de mer aux fins de la présente convention.

3. La présente convention s'applique aux remorqueurs de mer.

4. La présente convention ne s'applique pas aux navires d'une jauge brute inférieure à 500 ni aux navires tels que les plates-formes de forage et d'exploitation quand ils ne sont pas utilisés pour la navigation. Il incombera à l'autorité centrale de coordination de décider, en consultation avec les organisations les plus représentatives des armateurs et des gens de mer, quels sont les navires visés par le présent alinéa.

5. Pour autant que l'autorité centrale de coordination le juge réalisable, après consultation des organisations représentatives des armateurs à la pêche et des pêcheurs, les dispositions de la convention s'appliqueront aux bateaux de pêche maritime commerciale.

6. En cas de doute sur la question de savoir si un navire doit être considéré comme affecté à l'exploitation maritime commerciale ou à la pêche maritime commerciale aux fins de la convention, la question sera réglée par l'autorité centrale de coordination, après consultation des organisations d'armateurs, de gens de mer et de pêcheurs intéressées.

7. Aux fins de la convention:

- (a) the term "central coordinating authority" means ministers, government departments or other public authorities having power to issue and supervise the implementation of regulations, orders or other instructions having the force of law in respect of inspection of seafarers' working and living conditions in relation to any ship registered in the territory of the Member;
- (b) the term "inspector" means any civil servant or other public official with responsibility for inspecting any aspect of seafarers' working and living conditions, as well as any other person holding proper credentials performing an inspection for an institution or organization authorized by the central coordinating authority in accordance with Article 2, paragraph 3;
- (c) the term "legal provisions" includes, in addition to laws and regulations, arbitration awards and collective agreements upon which the force of law is conferred;
- (d) the term "seafarers" means persons who are employed in any capacity on board a seagoing ship to which the Convention applies. In the event of any doubt as to whether any categories of persons are to be regarded as seafarers for the purpose of this Convention, the question shall be determined by the central coordinating authority after consulting the organizations of shipowners and seafarers concerned;
- (e) the term "seafarers' working and living conditions" means the conditions such as those relating to the standards of maintenance and cleanliness of shipboard living and working areas, minimum age, articles of agreement, food and catering, crew accommodation, recruitment, manning, qualifications, hours of work, medical examinations, prevention of occupational accidents, medical care, sickness and injury benefits, social welfare and related matters, repatriation, terms and conditions of employment which are subject to national laws and regulations, and freedom of association as defined in the Freedom of Association and Protection of the Right to Organise Convention, 1948, of the International Labour Organization.

PART II. ORGANIZATION OF INSPECTION

Article 2

1. Each Member for which the Convention is in force shall maintain a system of inspection of seafarers' working and living conditions.

2. The central coordinating authority shall coordinate inspections wholly or partly concerned with seafarers' working and living conditions and shall establish principles to be observed.

3. The central coordinating authority shall in all cases be responsible for the inspection of seafarers' working and living conditions. It may authorize public institutions or other organizations it recognizes as competent and independent to carry out inspections of seafarers' working and living conditions on its behalf. It shall maintain and make publicly available a list of such institutions or organizations.

Article 3

1. Each Member shall ensure that all ships registered in its territory are inspected at intervals not exceeding three years and, when practicable, annually, to verify that the seafarers' working and living conditions on board conform to national laws and regulations.

2. If a Member receives a complaint or obtains evidence that a ship registered in its territory does not conform to national laws and regulations in respect of seafarers' working and living conditions, the Member shall take measures to inspect the ship as soon as practicable.

- a) l'expression «autorité centrale de coordination» désigne les ministres, les services gouvernementaux ou toutes autres autorités publiques habilitées à édicter des arrêtés, règlements ou autres instructions ayant force obligatoire pour l'inspection des conditions de travail et de vie des gens de mer, concernant tout navire immatriculé dans le territoire du Membre, et à en surveiller l'application;
- b) le terme «inspecteur» désigne tout fonctionnaire ou autre agent public chargé d'inspecter tout aspect des conditions de travail et de vie des gens de mer, ainsi que toute autre personne munie de titres justificatifs appropriés qui procède à de telles inspections pour le compte d'une institution ou d'une organisation autorisée par l'autorité centrale de coordination, conformément aux dispositions de l'article 2, paragraphe 3;
- c) l'expression «dispositions légales» couvre, outre la législation nationale, les sentences arbitrales et les conventions collectives ayant force obligatoire;
- d) l'expression «gens de mer» désigne les personnes employées, à quelque titre que ce soit, à bord d'un navire de mer auquel la convention s'applique. En cas de doute sur les catégories de personnes devant, aux fins de la présente convention, être considérées comme des gens de mer, la question sera réglée par l'autorité centrale de coordination après consultation des organisations d'armateurs et de gens de mer intéressées;
- e) l'expression «conditions de travail et de vie des gens de mer» désigne les conditions telles que celles concernant les normes d'entretien et de propreté des lieux de vie et de travail à bord, l'âge minimum, les contrats d'engagement, l'alimentation et le service de table, le logement de l'équipage, le recrutement, les effectifs, les qualifications, la durée du travail, les examens médicaux, la prévention des accidents du travail, les soins médicaux, les prestations de maladie et d'accident, le bien-être et les questions connexes, le rapatriement, les conditions et modalités d'emploi soumis à la législation nationale, et la liberté syndicale telle qu'elle est définie dans la convention sur la liberté syndicale et la protection du droit syndical, 1948, de l'Organisation internationale du Travail.

PARTIE II. ORGANISATION DE L'INSPECTION

Article 2

1. Tout Membre auquel s'applique la convention devra assurer un système d'inspection des conditions de travail et de vie des gens de mer.
2. L'autorité centrale de coordination devra coordonner les inspections entièrement ou partiellement consacrées aux conditions de travail et de vie des gens de mer, et établir des principes à respecter.
3. L'autorité centrale de coordination assumera dans tous les cas la responsabilité de l'inspection des conditions de travail et de vie des gens de mer. Elle pourra autoriser des institutions publiques ou d'autres organisations dont elle reconnaît la compétence et l'indépendance à procéder, en son nom, à une telle inspection. Elle devra tenir à jour et mettre à disposition du public une liste de ces institutions ou organisations.

Article 3

1. Chaque Membre veillera à ce que tous les navires immatriculés sur son territoire soient inspectés à des intervalles n'excédant pas trois ans et, lorsque cela est réalisable, chaque année, afin de vérifier que les conditions de travail et de vie des gens de mer à bord sont conformes à la législation nationale.
2. Si un Membre reçoit une plainte ou acquiert la preuve qu'un navire immatriculé sur son territoire ne se conforme pas à la législation nationale concernant les conditions de travail et de vie des gens de mer, le Membre devra prendre des mesures pour procéder à l'inspection du navire dès que cela est réalisable.

3. In cases of substantial changes in construction or accommodation arrangements, the ship shall be inspected within three months of such changes.

Article 4

Each Member shall appoint inspectors qualified for the performance of their duties and shall take the necessary steps to satisfy itself that inspectors are available in sufficient number to meet the requirements of this Convention.

Article 5

1. Inspectors shall have the status and conditions of service to ensure that they are independent of changes of government and of improper external influences.

2. Inspectors provided with proper credentials shall be empowered:

- (a) to board a ship registered in the territory of the Member and to enter premises as necessary for inspection;
- (b) to carry out any examination, test or inquiry which they may consider necessary in order to satisfy themselves that the legal provisions are being strictly observed;
- (c) to require that deficiencies are remedied; and
- (d) where they have grounds to believe that a deficiency constitutes a significant danger to seafarers' health and safety, to prohibit, subject to any right of appeal to a judicial or administrative authority, a ship from leaving port until necessary measures are taken, the ship not being unreasonably detained or delayed.

Article 6

1. When an inspection is conducted or when measures are taken under this Convention, all reasonable efforts shall be made to avoid a ship being unreasonably detained or delayed.

2. If a ship is unreasonably detained or delayed, the shipowner or operator of the ship shall be entitled to compensation for any loss or damage suffered. In any instance of alleged unreasonable detention or delay, the burden of proof shall lie with the shipowner or operator of the ship.

PART III. PENALTIES

Article 7

1. Adequate penalties for violations of the legal provisions enforceable by inspectors and for obstructing inspectors in the performance of their duties shall be provided for by national laws or regulations and shall be effectively enforced.

2. Inspectors shall have the discretion to give warnings and advice instead of instituting or recommending proceedings.

PART IV. REPORTS

Article 8

1. The central coordinating authority shall maintain records of inspections of seafarers' working and living conditions.

3. Dans les cas de changements significatifs apportés à la construction ou aux aménagements du navire, il sera procédé à son inspection dans les trois mois qui suivent ces changements.

Article 4

Tout Membre devra désigner des inspecteurs qualifiés pour exercer les fonctions dont ils sont chargés et prendre les mesures nécessaires pour s'assurer qu'ils sont en nombre suffisant pour répondre aux exigences de la présente convention.

Article 5

1. Le statut et les conditions de service des inspecteurs devront les rendre indépendants de tout changement de gouvernement et de toute influence extérieure indue.

2. Les inspecteurs, munis de pièces justificatives de leurs fonctions, seront autorisés:

- a) à monter à bord des navires immatriculés dans le territoire du Membre et à pénétrer dans les locaux à des fins d'inspection;
- b) à procéder à tous examens, contrôles ou enquêtes qu'ils jugent nécessaires pour s'assurer que les dispositions légales sont strictement respectées;
- c) à exiger qu'il soit remédié aux carences;
- d) à interdire, sous réserve de tout droit de recours devant l'autorité administrative ou l'autorité judiciaire, à un navire de quitter le port jusqu'à ce que les dispositions nécessaires aient été prises, lorsqu'ils ont des raisons de croire qu'une carence constitue un danger significatif pour la santé et la sécurité des gens de mer, le navire ne devant pas être indûment retenu ou retardé.

Article 6

1. Lorsqu'il sera procédé à une inspection ou lorsque des mesures seront prises conformément aux dispositions de la présente convention, tous les efforts raisonnables devront être déployés pour éviter que le navire ne soit indûment retenu ou retardé.

2. L'armateur ou l'exploitant du navire pourra prétendre à une compensation pour tout préjudice ou perte qui résulterait d'une telle immobilisation ou d'un tel retard indu, la charge de la preuve lui incombant.

PARTIE III. SANCTIONS

Article 7

1. Des sanctions appropriées pour violation des dispositions légales dont l'application incombe aux inspecteurs et pour obstruction faite aux inspecteurs dans l'exercice de leurs fonctions devront être prévues par la législation nationale et effectivement appliquées.

2. Les inspecteurs auront la faculté de donner des avertissements et des conseils au lieu d'intenter ou de recommander des poursuites.

PARTIE IV. RAPPORTS

Article 8

1. L'autorité centrale de coordination tiendra des registres des inspections des conditions de travail et de vie des gens de mer.

2. It shall publish an annual report on inspection activities, including a list of institutions and organizations authorized to carry out inspections on its behalf. This report shall be published within a reasonable time after the end of the year to which it relates and in any case within six months.

Article 9

1. Inspectors shall submit a report of each inspection to the central coordinating authority. One copy of the report in English or in the working language of the ship shall be furnished to the master of the ship and another copy shall be posted on the ship's notice board for the information of the seafarers or sent to their representatives.

2. In case of an inspection pursuant to a major incident, the report shall be submitted as soon as practicable but not later than one month following the conclusion of the inspection.

PART V. FINAL PROVISIONS

Article 10

This Convention supersedes the Labour Inspection (Seamen) Recommendation, 1926.

Article 11

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 12

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.

2. It shall come into force 12 months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.

Article 13

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 14

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and denunciations communicated by the Members of the Organization.

2. Elle publiera un rapport annuel sur les activités d'inspection, y compris une liste des institutions et organisations autorisées à procéder à des inspections en son nom. Ce rapport devra être publié dans un délai raisonnable, ne dépassant en aucun cas six mois, à partir de la fin de l'année à laquelle il se réfère.

Article 9

1. Les inspecteurs devront, pour toute inspection effectuée, soumettre un rapport à l'autorité centrale de coordination. Une copie de ce rapport en langue anglaise ou dans la langue de travail du navire sera remise au capitaine, une autre sera affichée sur le tableau d'affichage du navire pour l'information des gens de mer à bord ou communiquée à leurs représentants.

2. Dans le cas d'une inspection faisant suite à un incident majeur, le rapport devra être soumis aussitôt que possible et au plus tard un mois après la conclusion de l'inspection.

PARTIE V. DISPOSITIONS FINALES

Article 10

La présente convention remplace la recommandation sur l'inspection du travail (gens de mer), 1926.

Article 11

Les ratifications formelles de la présente convention seront communiquées au Directeur général du Bureau international du Travail et par lui enregistrées.

Article 12

1. La présente convention ne liera que les Membres de l'Organisation internationale du Travail dont la ratification aura été enregistrée par le Directeur général du Bureau international du Travail.

2. Elle entrera en vigueur douze mois après que les ratifications de deux Membres auront été enregistrées par le Directeur général.

3. Par la suite, cette convention entrera en vigueur pour chaque Membre douze mois après la date où sa ratification aura été enregistrée.

Article 13

1. Tout Membre ayant ratifié la présente convention peut la dénoncer à l'expiration d'une période de dix années après la date de la mise en vigueur initiale de la convention, par un acte communiqué au Directeur général du Bureau international du Travail et par lui enregistré. La dénonciation ne prendra effet qu'une année après avoir été enregistrée.

2. Tout Membre ayant ratifié la présente convention qui, dans le délai d'une année après l'expiration de la période de dix années mentionnée au paragraphe précédent, ne fera pas usage de la faculté de dénonciation prévue par le présent article sera lié pour une nouvelle période de dix années et, par la suite, pourra dénoncer la présente convention à l'expiration de chaque période de dix années dans les conditions prévues au présent article.

Article 14

1. Le Directeur général du Bureau international du Travail notifiera à tous les Membres de l'Organisation internationale du Travail l'enregistrement de toutes les ratifications et dénonciations qui lui seront communiquées par les Membres de l'Organisation.

2. When notifying the Members of the Organization of the registration of the second ratification, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention shall come into force.

Article 15

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with Article 102 of the Charter of the United Nations, full particulars of all ratifications and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding Articles.

Article 16

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 17

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides —

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 13 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 18

The English and French versions of the text of this Convention are equally authoritative.

2. En notifiant aux Membres de l'Organisation l'enregistrement de la deuxième ratification qui lui aura été communiquée, le Directeur général appellera l'attention des Membres de l'Organisation sur la date à laquelle la présente convention entrera en vigueur.

Article 15

Le Directeur général du Bureau international du Travail communiquera au Secrétaire général des Nations Unies, aux fins d'enregistrement, conformément à l'article 102 de la Charte des Nations Unies, des renseignements complets au sujet de toutes ratifications et de tous actes de dénonciation qu'il aura enregistrés conformément aux articles précédents.

Article 16

Chaque fois qu'il le jugera nécessaire, le Conseil d'administration du Bureau international du Travail présentera à la Conférence générale un rapport sur l'application de la présente convention et examinera s'il y a lieu d'inscrire à l'ordre du jour de la Conférence la question de sa révision totale ou partielle.

Article 17

1. Au cas où la Conférence adopterait une nouvelle convention portant révision totale ou partielle de la présente convention, et à moins que la nouvelle convention ne dispose autrement:

- a) la ratification par un Membre de la nouvelle convention portant révision entraînerait de plein droit, nonobstant l'article 13 ci-dessus, dénonciation immédiate de la présente convention, sous réserve que la nouvelle convention portant révision soit entrée en vigueur;
- b) à partir de la date de l'entrée en vigueur de la nouvelle convention portant révision, la présente convention cesserait d'être ouverte à la ratification des Membres.

2. La présente convention demeurerait en tout cas en vigueur dans sa forme et teneur pour les Membres qui l'auraient ratifiée et qui ne ratifieraient pas la convention portant révision.

Article 18

Les versions française et anglaise du texte de la présente convention font également foi.

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the International Labour Organization during its Eighty-fourth Session which was held at Geneva and declared closed 22 October 1996.

IN FAITH WHEREOF we have appended our signatures this twenty-second day of October 1996.

Le texte qui précède est le texte authentique de la convention dûment adoptée par la Conférence générale de l'Organisation internationale du Travail dans sa quatre-vingt-quatrième session qui s'est tenue à Genève et qui a été déclarée close le 22 octobre 1996.

EN FOI DE QUOI ont apposé leurs signatures, ce vingt-deuxième jour d'octobre 1996:

*The President of the Conference,
Le Président de la Conférence,*

JAMES HUBBARD

*The Director-General of the International Labour Office,
Le Directeur général du Bureau international du Travail,*

MICHEL HANSENNE

The text of the Convention as here presented is a true copy of the text authenticated by the signatures of the President of the International Labour Conference and of the Director-General of the International Labour Office.

Le texte de la convention présentée ici est une copie exacte du texte authentiqué par les signatures du Président de la Conférence internationale du Travail et du Directeur général du Bureau international du Travail.

Certified true and complete copy.
Copie certifiée conforme et complète.

*For the Director-General of the International Labour Office:
Pour le Directeur général du Bureau international du Travail:*

International Labour Conference Conférence internationale du Travail

RECOMMENDATION 185

RECOMMENDATION CONCERNING THE INSPECTION
OF SEAFARERS' WORKING AND LIVING CONDITIONS,
ADOPTED BY THE CONFERENCE AT ITS
EIGHTY-FOURTH SESSION, GENEVA, 22 OCTOBER 1996

RECOMMANDATION 185

RECOMMANDATION CONCERNANT L'INSPECTION DES CONDITIONS
DE TRAVAIL ET DE VIE DES GENS DE MER,
ADOPTÉE PAR LA CONFÉRENCE À SA
QUATRE-VINGT-QUATRIÈME SESSION, GENÈVE, 22 OCTOBRE 1996

AUTHENTIC TEXT
TEXTE AUTHENTIQUE

**RECOMMENDATION CONCERNING THE INSPECTION
OF SEAFARERS' WORKING AND LIVING CONDITIONS**

The General Conference of the International Labour Organization,
Having been convened at Geneva by the Governing Body of the International
Labour Office and having met in its Eighty-fourth Session on 8 October
1996, and

Having decided upon the adoption of certain proposals with regard to the
revision of the Labour Inspection (Seamen) Recommendation, 1926,
which is the first item on the agenda of the session, and

Having determined that these proposals shall take the form of a
Recommendation supplementing the Labour Inspection (Seafarers)
Convention, 1996;

adopts, this twenty-second day of October of the year one thousand nine hundred
and ninety-six, the following Recommendation, which may be cited as the Labour
Inspection (Seafarers) Recommendation, 1996:

I. COOPERATION AND COORDINATION

1. The central coordinating authority should make appropriate arrangements
to promote effective cooperation between public institutions and other organizations
concerned with seafarers' working and living conditions.

2. To ensure cooperation between inspectors, shipowners, seafarers and their
respective organizations, and in order to maintain or improve seafarers' working and
living conditions, the central coordinating authority should consult the
representatives of such organizations at regular intervals as to the best means of
attaining these ends. The manner of such consultation should be determined by the
central coordinating authority after consulting with shipowners' and seafarers'
organizations.

II. ORGANIZATION OF INSPECTION

3. The central coordinating authority and any other service or authority
wholly or partly concerned with the inspection of seafarers' working and living
conditions should have the resources necessary to fulfil their functions.

4. The number of inspectors should be sufficient to secure the efficient
discharge of their duties and should be determined with due regard to:

- (a) the importance of the duties which the inspectors have to perform, in
particular the number, nature and size of ships liable to inspection and the
number and complexity of the legal provisions to be enforced;
- (b) the material means placed at the disposal of the inspectors; and
- (c) the practical conditions under which inspections must be carried out in order
to be effective.

5. The system of inspection of seafarers' working and living conditions
should permit inspectors:

- (a) to alert the central coordinating authority to any deficiency or abuse not
specifically covered by existing legal provisions and submit proposals to it for
the improvement of laws and regulations; and
- (b) to board ships and enter relevant premises freely and without previous notice
at any hour of the day or night.

RECOMMANDATION CONCERNANT L'INSPECTION DES CONDITIONS DE TRAVAIL ET DE VIE DES GENS DE MER

La Conférence générale de l'Organisation internationale du Travail,
Convoquée à Genève par le Conseil d'administration du Bureau international
du Travail, et s'y étant réunie le 8 octobre 1996, en sa quatre-vingt-
quatrième session;

Après avoir décidé d'adopter diverses propositions relatives à la révision de
la recommandation sur l'inspection du travail (gens de mer), 1926,
question qui constitue le premier point à l'ordre du jour de la session;

Après avoir décidé que ces propositions prendraient la forme d'une
recommandation complétant la convention sur l'inspection du travail
(gens de mer), 1996,

adopte, ce vingt-deuxième jour d'octobre mil neuf cent quatre-vingt-seize, la
recommandation ci-après, qui sera dénommée Recommandation sur l'inspection du
travail (gens de mer), 1996.

I. COOPÉRATION ET COORDINATION

1. L'autorité centrale de coordination devrait prendre des arrangements
appropriés pour favoriser une coopération effective entre les institutions publiques
et les autres organisations intéressées par les conditions de travail et de vie des gens
de mer.

2. En vue d'assurer la coopération entre les inspecteurs, d'une part, et les
armateurs, les gens de mer et leurs organisations respectives, de l'autre, et afin de
maintenir et d'améliorer les conditions de travail et de vie des gens de mer,
l'autorité centrale de coordination devrait consulter à intervalles réguliers les
représentants desdites organisations quant aux meilleurs moyens permettant de
parvenir à ces objectifs. Les modalités de ces consultations seront déterminées par
l'autorité centrale de coordination après consultation des organisations d'armateurs
et de gens de mer.

II. ORGANISATION DE L'INSPECTION

3. L'autorité centrale de coordination et tout autre service ou autorité
totalement ou partiellement chargés de l'inspection des conditions de travail et de
vie des gens de mer devraient disposer des ressources nécessaires pour leur
permettre d'exercer leurs fonctions.

4. Le nombre d'inspecteurs devrait être suffisant pour leur permettre de
s'acquitter efficacement de leurs tâches et devrait être déterminé en prenant dûment
en considération:

- a) l'importance des tâches leur incombant, en particulier le nombre, la nature et
la taille des navires soumis à l'inspection ainsi que le nombre et la complexité
des dispositions légales à appliquer;
- b) les moyens matériels mis à la disposition des inspecteurs;
- c) les conditions pratiques dans lesquelles l'inspection doit être effectuée pour
être efficace.

5. Le système d'inspection des conditions de travail et de vie des gens de mer
devrait permettre aux inspecteurs:

- a) d'alerter l'autorité centrale de coordination sur tous défauts ou abus que les
dispositions légales existantes ne couvrent pas et de la saisir de propositions
pour l'amélioration de la législation;
- b) de monter à bord des navires et de pénétrer, librement et à l'improviste, dans
tous locaux appropriés à toute heure du jour et de la nuit.

6. The central coordinating authority should:

- (a) establish simple procedures to enable it to receive information in confidence concerning possible infringements of legal provisions presented by seafarers directly or through representatives, and enable inspectors to investigate such matters promptly;
- (b) enable masters, crew members or representatives of the seafarers to call for an inspection when they consider it necessary; and
- (c) supply technical information and advice to shipowners and seafarers and organizations concerned as to the most effective means of complying with the legal provisions and improving seafarers' working and living conditions.

III. STATUS, DUTIES AND POWERS OF INSPECTORS

7. (1) Subject to any conditions for recruitment to the public service which may be prescribed by national laws or regulations, inspectors should have qualifications and adequate training to perform their duties and where possible should have a maritime education or experience as a seafarer. They should have adequate knowledge of seafarers' working and living conditions and of the English language.

(2) The means for ascertaining such qualifications should be determined by the central coordinating authority.

8. Measures should be taken to provide inspectors with appropriate further training during their employment.

9. Each Member should take the necessary measures so that duly qualified technical experts and specialists may be called upon, as needed, to assist in the work of inspectors.

10. Inspectors should not be entrusted with duties which might, because of their number or nature, interfere with effective inspection or prejudice in any way their authority or impartiality in their relations with shipowners, seafarers or other interested parties.

11. All inspectors should be provided with conveniently situated premises, equipment and means of transport adequate for the efficient performance of their duties.

12. (1) Inspectors provided with proper credentials should be empowered:

- (a) to question the master, seafarer or any other person, including the shipowner or the shipowner's representative, on any matter concerning the application of the legal provisions in the presence of a witness that the person may have requested;
- (b) to require the production of any books, log books, registers, certificates or other documents or information directly related to matters subject to inspection, in order to check conformity with the legal provisions;
- (c) to enforce the posting of notices required by the legal provisions; and
- (d) to take or remove, for the purposes of analysis, samples of products, cargo, drinking-water, provisions and materials and substances used or handled.

(2) The shipowner or the shipowner's representative, and where appropriate the seafarer, should be notified of any sample being taken or removed in accordance with subparagraph (1)(d) or should be present at the time a sample is taken or removed. The quantity of such a sample should be properly recorded by the inspector.

13. When commencing a ship inspection, inspectors should provide notification of their presence to the master or person in charge and, where appropriate, to the seafarers or their representatives.

6. L'autorité centrale de coordination devrait:

- a) instituer des procédures simples lui permettant d'être saisie de façon confidentielle de toute information relative à des infractions éventuelles aux dispositions légales soumise par les gens de mer directement ou par l'intermédiaire de représentants et faire en sorte que les inspecteurs puissent enquêter sans délai à ce sujet;
- b) habiliter le capitaine, les membres de l'équipage ou les représentants des gens de mer à requérir une inspection lorsqu'ils le jugent nécessaire;
- c) fournir aux armateurs et aux gens de mer ainsi qu'aux organisations intéressées des informations et conseils techniques au sujet des moyens les plus efficaces de donner effet aux dispositions légales et d'améliorer les conditions de travail et de vie des gens de mer.

III. STATUT, POUVOIRS ET OBLIGATIONS DES INSPECTEURS

7. (1) Sous réserve des conditions auxquelles la législation nationale soumettrait le recrutement au sein du service public, les inspecteurs devraient posséder des qualifications et une formation adéquate pour exercer leurs fonctions et, autant que possible, avoir une formation maritime ou une expérience de marin. Ils devraient posséder une connaissance adéquate des conditions de travail et de vie des gens de mer ainsi que de la langue anglaise.

(2) La manière de vérifier ces qualifications devrait être déterminée par l'autorité centrale de coordination.

8. Des mesures devraient être prises pour assurer aux inspecteurs un perfectionnement approprié en cours d'emploi.

9. Tout Membre devrait prendre les mesures nécessaires pour que les inspecteurs puissent disposer en tant que de besoin de l'assistance d'experts et de techniciens dûment qualifiés dans l'accomplissement de leur travail.

10. Les inspecteurs ne devraient pas se voir confier des tâches en nombre ou d'une nature tels qu'elles soient susceptibles de nuire à une inspection efficace ou de porter en aucune manière préjudice à leur autorité et à leur impartialité vis-à-vis des armateurs, des gens de mer ou de toute autre partie intéressée.

11. Tous les inspecteurs devraient disposer de locaux convenablement situés ainsi que de moyens matériels et de transport adéquats pour leur permettre de s'acquitter de manière efficace de leurs tâches.

12. (1) Les inspecteurs, munis de pièces justificatives de leurs fonctions, devraient être autorisés:

- a) à interroger le capitaine, les gens de mer ou toute autre personne, y compris l'armateur ou le représentant de l'armateur, sur toute question concernant l'application des dispositions légales, en présence de tout témoin que la personne peut avoir demandé;
- b) à demander, en vue de procéder à une vérification de conformité aux dispositions légales, communication de tous les livres, journaux de bord, registres, certificats ou autres documents ou informations ayant directement trait à l'objet de l'inspection;
- c) à s'assurer de l'affichage des avis requis par les dispositions légales;
- d) à prélever et à emporter, aux fins d'analyse, des échantillons de produits, de marchandises, d'eau potable, de vivres et de matériaux et substances utilisés ou manipulés.

(2) L'armateur ou son représentant et, selon le cas, le marin devraient être présents lorsque de tels prélèvements sont effectués ou emportés, conformément au sous-paragraphe (1) d), ou en être avisés. La quantité de l'échantillon devrait être correctement notée par l'inspecteur.

13. Les inspecteurs devraient, au moment d'engager l'inspection du navire, informer de leur présence le capitaine ou la personne assumant le commandement et, selon le cas, les gens de mer ou leurs représentants.

14. The central coordinating authority should be notified of any occupational injuries or diseases affecting seafarers in such cases and in such manner as may be prescribed by national laws or regulations.

15. Inspectors should:

- (a) be prohibited from having any direct or indirect interest in any operation which they are called upon to inspect;
- (b) subject to appropriate penalties or disciplinary measures, not reveal, even after leaving service, any commercial secrets or confidential working processes or information of a personal nature which may come to their knowledge in the course of their duties;
- (c) treat as confidential the source of any complaint alleging a danger or deficiency in relation to seafarers' working and living conditions or an infringement of legal provisions and give no intimation to the shipowner, the shipowner's representative or the operator of the ship that an inspection was made as a consequence of such a complaint; and
- (d) have discretion, following an inspection, to bring immediately to the attention of the shipowner, the operator of the ship or the master deficiencies which may affect the health and safety of those on board ship.

IV. REPORTS

16. The annual report published by the central coordinating authority in accordance with Article 8, paragraph 2, of the Convention should also contain:

- (a) a list of laws and regulations in force relevant to seafarers' working and living conditions and any amendments which have come into operation during the year;
- (b) details of the organization of the system of inspection referred to in Article 2 of the Convention;
- (c) statistics of ships or other premises liable to inspection and of ships and other premises actually inspected;
- (d) statistics of seafarers subject to the laws and regulations referred to in subparagraph (a) of this paragraph;
- (e) statistics and information on infringements of legislation, penalties imposed and cases of detention of ships; and
- (f) statistics of occupational injuries and diseases affecting seafarers.

17. The reports referred to in Article 9 of the Convention should be drawn up in such manner and should deal with such subject matter as may be prescribed by the central coordinating authority.

14. L'autorité centrale de coordination devrait être avisée de tous accidents du travail ou maladies professionnelles affectant des marins dans les cas et selon la manière prescrits par la législation nationale.

15. Les inspecteurs devraient:

- a) se voir interdire de posséder un intérêt quelconque, direct ou indirect, dans l'ensemble des activités qu'ils sont appelés à contrôler;
- b) être tenus, sous peine de sanctions ou de mesures disciplinaires appropriées, de ne pas révéler, même après avoir cessé leurs fonctions, les secrets commerciaux ou les procédés d'exploitation confidentiels ou les informations de nature personnelle dont ils pourraient avoir eu connaissance dans l'exercice de leurs fonctions;
- c) tenir confidentielle la source de toute plainte alléguant qu'il existe un danger ou des carences dans les conditions de travail et de vie des gens de mer ou qu'il y a infraction aux dispositions légales, et s'abstenir de révéler à l'armateur ou à son représentant ou à l'exploitant du navire qu'il a été procédé à une inspection à la suite d'une telle plainte;
- d) avoir toute discrétion, à la suite d'une inspection, de porter immédiatement à l'attention de l'armateur, de l'exploitant du navire ou du capitaine les carences pouvant porter préjudice à la santé et à la sécurité des personnes à bord.

IV. RAPPORTS

16. Le rapport annuel publié par l'autorité centrale de coordination conformément à l'article 8, paragraphe 2, de la convention devrait également inclure:

- a) une liste des lois et des règlements en vigueur relatifs aux conditions de travail et de vie des gens de mer, ainsi que tous les amendements devenus applicables pendant l'année;
- b) des informations détaillées relatives à l'organisation du système d'inspection visée à l'article 2 de la convention;
- c) des statistiques des navires ou autres locaux assujettis à l'inspection et des navires ou autres locaux effectivement inspectés;
- d) des statistiques des gens de mer assujettis aux lois et règlements mentionnés à l'alinéa a) ci-dessus;
- e) des statistiques et des informations sur les infractions à la législation, les sanctions imposées et les cas où des navires ont été retenus;
- f) des statistiques des accidents du travail et des maladies professionnelles affectant les gens de mer.

17. Les rapports prévus à l'article 9 de la convention devraient suivre, en ce qui concerne la présentation et les sujets traités, les prescriptions fixées par l'autorité centrale de coordination.

The foregoing is the authentic text of the Recommendation duly adopted by the General Conference of the International Labour Organization during its Eighty-fourth Session which was held at Geneva and declared closed 22 October 1996.

IN FAITH WHEREOF we have appended our signatures this twenty-second day of October 1996.

Le texte qui précède est le texte authentique de la recommandation dûment adoptée par la Conférence générale de l'Organisation internationale du Travail dans sa quatre-vingt-quatrième session qui s'est tenue à Genève et qui a été déclarée close le 22 octobre 1996.

EN FOI DE QUOI ont apposé leurs signatures, ce vingt-deuxième jour d'octobre 1996:

*The President of the Conference,
Le Président de la Conférence,*

JAMES HUBBARD

*The Director-General of the International Labour Office,
Le Directeur général du Bureau international du Travail,*

MICHEL HANSENNE

The text of the Recommendation as here presented is a true copy of the text authenticated by the signatures of the President of the International Labour Conference and of the Director-General of the International Labour Office.

Le texte de la recommandation présentée ici est une copie exacte du texte authentiqué par les signatures du Président de la Conférence internationale du Travail et du Directeur général du Bureau international du Travail.

Certified true and complete copy,
Copie certifiée conforme et complète,

*For the Director-General of the International Labour Office:
Pour le Directeur général du Bureau international du Travail:*

International Labour Conference Conférence internationale du Travail

CONVENTION 179

CONVENTION CONCERNING THE RECRUITMENT
AND PLACEMENT OF SEAFARERS,
ADOPTED BY THE CONFERENCE AT ITS
EIGHTY-FOURTH SESSION, GENEVA, 22 OCTOBER 1996

CONVENTION 179

CONVENTION CONCERNANT LE RECRUTEMENT
ET LE PLACEMENT DES GENS DE MER,
ADOPTÉE PAR LA CONFÉRENCE À SA
QUATRE-VINGT-QUATRIÈME SESSION, GENÈVE, 22 OCTOBRE 1996

AUTHENTIC TEXT
TEXTE AUTHENTIQUE

**CONVENTION CONCERNING THE RECRUITMENT
AND PLACEMENT OF SEAFARERS**

The General Conference of the International Labour Organization,
Having been convened at Geneva by the Governing Body of the International
Labour Office, and having met in its Eighty-Fourth Session on 8 October
1996, and

Noting the provisions of the Seamen's Articles of Agreement Convention,
1926, the Freedom of Association and Protection of the Right to
Organise Convention, 1948, the Employment Service Convention and
Recommendation, 1948, the Right to Organise and Collective Bargaining
Convention, 1949, the Seafarers' Engagement (Foreign Vessels)
Recommendation, 1958, the Discrimination (Employment and
Occupation) Convention, 1958, the Employment of Seafarers (Technical
Developments) Recommendation, 1970, the Minimum Age Convention,
1973, the Continuity of Employment (Seafarers) Convention and
Recommendation, 1976, the Merchant Shipping (Minimum Standards)
Convention, 1976, the Repatriation of Seafarers Convention (Revised),
1987, and the Labour Inspection (Seafarers) Convention, 1996, and

Recalling the entry into force of the United Nations Convention on the Law
of the Sea, 1982, on 16 November 1994, and

Having decided upon the adoption of certain proposals with regard to the
revision of the Placing of Seamen Convention, 1920, which is the third
item on the agenda of the session, and

Having determined that these proposals shall take the form of an international
Convention;

adopts, this twenty-second day of October of the year one thousand nine hundred
and ninety-six, the following Convention, which may be cited as the Recruitment
and Placement of Seafarers Convention, 1996:

Article 1

1. For the purpose of this Convention:

- (a) the term "competent authority" means the minister, designated official,
government department or other authority having power to issue regulations,
orders or other instructions having the force of law in respect of the
recruitment and placement of seafarers;
- (b) the term "recruitment and placement service" means any person, company,
institution, agency or other organization, in the public or the private sector,
which is engaged in recruiting seafarers on behalf of employers or placing
seafarers with employers;
- (c) the term "shipowner" means the owner of the ship or any other organization
or person, such as the manager, agent or bareboat charterer, who has assumed
the responsibility for operation of the ship from the shipowner and who on
assuming such responsibilities has agreed to take over all the attendant duties
and responsibilities;
- (d) the term "seafarer" means any person who fulfils the conditions to be
employed or engaged in any capacity on board a seagoing ship other than a
government ship used for military or non-commercial purposes.

2. To the extent it deems practicable, after consultation with the
representative organizations of fishing-vessel owners and fishermen or those of

**CONVENTION CONCERNANT LE RECRUTEMENT
ET LE PLACEMENT DES GENS DE MER**

La Conférence générale de l'Organisation internationale du Travail,
Convoquée à Genève par le Conseil d'administration du Bureau international
du Travail, et s'y étant réunie le 8 octobre 1996, en sa quatre-vingt-
quatrième session;

Notant les dispositions de la convention sur le contrat d'engagement des
marins, 1926; de la convention sur la liberté syndicale et la protection
du droit syndical, 1948; de la convention et de la recommandation sur
le service de l'emploi, 1948; de la convention sur le droit d'organisation
et de négociation collective, 1949; de la recommandation sur
l'engagement des gens de mer (navires étrangers), 1958; de la
convention concernant la discrimination (emploi et profession), 1958; de
la recommandation sur l'emploi des gens de mer (évolution technique),
1970; de la convention sur l'âge minimum, 1973; de la convention et de
la recommandation sur la continuité de l'emploi (gens de mer), 1976; de
la convention sur la marine marchande (normes minima), 1976; de la
convention sur le rapatriement des marins (révisée), 1987, et de la
convention sur l'inspection du travail (gens de mer), 1996;

Rappelant l'entrée en vigueur, le 16 novembre 1994, de la Convention des
Nations Unies sur le droit de la mer, 1982;

Après avoir décidé d'adopter diverses propositions relatives à la révision de
la convention sur le placement des marins, 1920, question qui constitue
le troisième point à l'ordre du jour de la session;

Après avoir décidé que ces propositions prendraient la forme d'une
convention internationale,

adopte, ce vingt-deuxième jour d'octobre mil neuf cent quatre-vingt-seize, la
convention ci-après, qui sera dénommée Convention sur le recrutement et le
placement des gens de mer, 1996.

Article 1

1. Aux fins de la présente convention:

- a) l'expression «autorité compétente» désigne le ministre, le fonctionnaire désigné, le service gouvernemental ou toute autre autorité habilitée à édicter règlements, arrêtés ou autres instructions ayant force obligatoire en matière de recrutement et de placement des gens de mer;
- b) l'expression «service de recrutement et de placement» désigne toute personne, société, institution, agence ou autre organisation du secteur public ou privé exerçant des activités relatives au recrutement des gens de mer pour le compte d'employeurs ou au placement de gens de mer auprès d'employeurs;
- c) le terme «armateur» désigne le propriétaire du navire ou toute autre entité ou personne, telle que l'armateur gérant, l'agent ou l'affrètement coque nue, à laquelle l'armateur a confié la responsabilité de l'exploitation du navire et qui, en assumant cette responsabilité, a accepté de s'acquitter de toutes les tâches et obligations afférentes;
- d) l'expression «gens de mer» désigne toute personne remplissant les conditions pour être employée ou engagée, à quelque titre que ce soit, à bord de tout navire de mer autre qu'un navire d'Etat affecté à des fins militaires ou à des activités non commerciales.

2. Dans la mesure où elle le juge réalisable, après consultation des
organisations représentatives, selon le cas, des armateurs à la pêche et des pêcheurs

owners of maritime mobile offshore units and seafarers serving on such units, as the case may be, the competent authority may apply the provisions of the Convention to fishermen or to seafarers serving on maritime mobile offshore units.

Article 2

1. Nothing in the provisions of this Convention shall be deemed to:

- (a) prevent a Member from maintaining a free public recruitment and placement service for seafarers in the framework of a policy to meet the needs of seafarers and shipowners, whether it forms part of or is coordinated with a public employment service for all workers and employers;
- (b) impose on a Member the obligation to establish a system for the operation of private recruitment and placement services.

2. Where private recruitment and placement services have been or are to be established, they shall be operated within the territory of a Member only in conformity with a system of licensing or certification or other form of regulation. This system shall be established, maintained, modified or changed only after consultation with representative organizations of shipowners and seafarers. Undue proliferation of such private recruitment and placement services shall not be encouraged.

3. Nothing in this Convention shall affect the right of a Member to apply its laws and regulations to ships flying its flag in relation to the recruitment and placement of seafarers.

Article 3

Nothing in this Convention shall in any manner prejudice the ability of a seafarer to exercise basic human rights, including trade union rights.

Article 4

1. A Member shall, by means of national laws or applicable regulations:

- (a) ensure that no fees or other charges for recruitment or for providing employment to seafarers are borne directly or indirectly, in whole or in part, by the seafarer; for this purpose, costs of the national statutory medical examination, certificates, a personal travel document and the national seafarer's book shall not be deemed to be "fees or other charges for recruitment";
- (b) determine whether and under which conditions recruitment and placement services may place or recruit seafarers abroad;
- (c) specify, with due regard to the right to privacy and the need to protect confidentiality, the conditions under which seafarers' personal data may be processed by recruitment and placement services including the collection, storage, combination and communication of such data to third parties;
- (d) determine the conditions under which the licence, certificate or similar authorization of a recruitment and placement service may be suspended or withdrawn in case of violation of relevant laws and regulations; and
- (e) specify, where a regulatory system other than a system of licensing or certification exists, the conditions under which recruitment and placement services can operate, as well as sanctions applicable in case of violation of these conditions.

2. A Member shall ensure that the competent authority:

- (a) closely supervise all recruitment and placement services;

ou des propriétaires d'unités maritimes mobiles au large des côtes et des gens de mer employés sur ces unités, l'autorité compétente peut appliquer les dispositions de la convention aux pêcheurs ou aux gens de mer employés sur les unités maritimes mobiles au large des côtes.

Article 2

1. Rien dans les dispositions de la présente convention n'est censé:

- a) affecter la possibilité pour tout Membre d'assurer un service public gratuit de recrutement et de placement pour les gens de mer dans le cadre d'une politique visant à répondre aux besoins des gens de mer et des armateurs, que ce service fasse partie du service public de l'emploi ouvert à l'ensemble des travailleurs et des employeurs ou qu'il agisse en coordination avec ce dernier;
- b) imposer à tout Membre l'obligation d'établir un système de services de recrutement et de placement privés.

2. Lorsque des services de recrutement et de placement privés ont été établis ou doivent l'être, ils ne pourront exercer leur activité sur le territoire d'un Membre qu'en vertu d'un système de licence, d'agrément ou d'une autre forme de réglementation. Un tel système devra être établi, maintenu, modifié ou changé seulement après consultation des organisations représentatives des armateurs et des gens de mer. La prolifération excessive de ces services de recrutement et de placement privés ne devra pas être encouragée.

3. Rien dans les dispositions de la présente convention n'affecte, en ce qui concerne le recrutement et le placement des gens de mer, le droit d'un Membre d'appliquer sa législation aux navires qui battent son pavillon.

Article 3

Rien dans les dispositions de cette convention ne saurait porter atteinte de quelque manière que ce soit à la faculté des gens de mer d'exercer les droits de l'homme fondamentaux, y compris les droits syndicaux.

Article 4

1. Tout Membre doit, par voie de législation nationale ou d'une réglementation applicable:

- a) s'assurer qu'aucuns honoraires ou autres frais destinés au recrutement ou à l'emploi des gens de mer ne sont, directement ou indirectement, en totalité ou en partie, à la charge de ceux-ci; à cette fin, les coûts afférents aux examens médicaux nationaux obligatoires, à des certificats, à un document personnel de voyage et au livret professionnel national ne seront pas considérés comme «honoraires ou autres frais destinés au recrutement»;
- b) décider si et dans quelles conditions les services de recrutement et de placement peuvent placer ou recruter des gens de mer à l'étranger;
- c) spécifier, en tenant dûment compte du respect dû à la vie privée et de la nécessité de protéger la confidentialité, les conditions dans lesquelles les renseignements personnels sur les gens de mer peuvent être traités par les services de recrutement et de placement, y compris aux fins de collecte, de conservation, de recoupements ou de communication à des tiers;
- d) fixer les conditions dans lesquelles la licence, l'agrément ou toute autre autorisation peuvent être suspendus ou retirés en cas d'infraction à la législation pertinente;
- e) dans le cas d'un système de réglementation autre qu'un système de licence ou d'agrément, préciser les conditions dans lesquelles les services de recrutement et de placement peuvent exercer leur activité, ainsi que les sanctions applicables en cas de violation de ces conditions.

2. Tout Membre doit faire en sorte que l'autorité compétente:

- a) supervise étroitement tous les services de recrutement et de placement;

- (b) grant or renew the licence, certificate, or similar authorization only after having verified that the recruitment and placement service concerned meets the requirements of national laws and regulations;
- (c) require that the management and staff of recruitment and placement services for seafarers should be adequately trained persons having relevant knowledge of the maritime industry;
- (d) prohibit recruitment and placement services from using means, mechanisms or lists intended to prevent or deter seafarers from gaining employment;
- (e) require that recruitment and placement services adopt measures to ensure, as far as practicable, that the employer has the means to protect seafarers from being stranded in a foreign port; and
- (f) ensure that a system of protection, by way of insurance or an equivalent appropriate measure, is established to compensate seafarers for monetary loss that they may incur as a result of the failure of a recruitment and placement service to meet its obligations to them.

Article 5

1. All recruitment and placement services shall maintain a register of all seafarers recruited or placed through them, to be available for inspection by the competent authority.

2. All recruitment and placement services shall ensure that:

- (a) any seafarer recruited or placed by them is qualified and holds the documents necessary for the job concerned;
- (b) contracts of employment and articles of agreement are in accordance with applicable laws, regulations and collective agreements;
- (c) seafarers are informed of their rights and duties under their contracts of employment and the articles of agreement prior to or in the process of engagement; and
- (d) proper arrangements are made for seafarers to examine their contracts of employment and the articles of agreement before and after they are signed and for them to receive a copy of the contract of employment.

3. Nothing in paragraph 2 above shall be understood as diminishing the obligations and responsibilities of the shipowner or the master.

Article 6

1. The competent authority shall ensure that adequate machinery and procedures exist for the investigation, if necessary, of complaints concerning the activities of recruitment and placement services, involving, as appropriate, representatives of shipowners and seafarers.

2. All recruitment and placement services shall examine and respond to any complaint concerning their activities and shall advise the competent authority of any unresolved complaint.

3. Where complaints concerning working or living conditions on board ships are brought to the attention of the recruitment and placement services, they shall forward such complaints to the appropriate authority.

4. Nothing in this Convention shall prevent the seafarer from bringing any complaint directly to the appropriate authority.

- b) n'accorde ou ne renouvelle la licence, l'agrément ou toute autre autorisation qu'après avoir vérifié si les services de recrutement et de placement concernés remplissent les conditions prévues par la législation nationale;
- c) s'assure que la direction et le personnel des services de recrutement et de placement pour les gens de mer sont des personnes convenablement formées et ayant une connaissance adéquate du secteur maritime;
- d) interdit aux services de recrutement et de placement d'avoir recours à des moyens, des procédures ou des listes destinés à empêcher ou à dissuader les gens de mer d'obtenir un emploi;
- e) oblige les services de recrutement et de placement à prendre des dispositions pour s'assurer, dans la mesure où cela est réalisable, que l'employeur a les moyens d'éviter que les gens de mer ne soient abandonnés dans un port étranger;
- f) veille à ce qu'un système de protection, sous forme d'une assurance ou d'une mesure équivalente appropriée, soit établi pour indemniser les gens de mer ayant subi des pertes pécuniaires du fait que le service de recrutement et de placement n'a pas rempli ses obligations à leur égard.

Article 5

1. Tous les services de recrutement et de placement doivent, aux fins d'inspection par l'autorité compétente, tenir un registre de tous les gens de mer recrutés ou placés par leur intermédiaire.

2. Tous les services de recrutement et de placement doivent s'assurer:

- a) que tous les gens de mer recrutés ou placés par leur intermédiaire possèdent les qualifications requises et détiennent les documents nécessaires pour l'exercice des emplois considérés;
- b) que les contrats de travail et les contrats d'engagement sont conformes à la législation et aux conventions collectives applicables;
- c) que, préalablement à l'engagement ou au cours du processus d'engagement, les gens de mer sont informés de leurs droits et obligations en vertu de leur contrat de travail et de leur contrat d'engagement;
- d) que les dispositions nécessaires sont prévues pour que les gens de mer puissent examiner leur contrat de travail et leur contrat d'engagement avant et après leur signature et pour qu'une copie du contrat de travail leur soit remise.

3. Rien dans les dispositions du paragraphe 2 ci-dessus n'est censé affecter les obligations et la responsabilité de l'armateur ou du capitaine.

Article 6

1. L'autorité compétente doit s'assurer que des mécanismes et procédures appropriés existent en vue, si nécessaire, d'enquêter au sujet des plaintes relatives aux activités des services de recrutement et de placement, avec le concours, lorsqu'il y a lieu, des représentants des armateurs et des gens de mer.

2. Toute plainte afférente aux activités d'un service de recrutement et de placement doit faire l'objet par ce dernier d'un examen et d'une réponse et, lorsqu'elle n'est pas résolue, être portée à la connaissance de l'autorité compétente.

3. Si des plaintes concernant les conditions de travail ou de vie à bord des navires sont portées à l'attention des services de recrutement et de placement, ces derniers transmettront lesdites plaintes à l'autorité dont elles relèvent.

4. Rien dans les dispositions de cette convention n'affecte la faculté pour les gens de mer de porter directement toute plainte à la connaissance de l'autorité dont elle relève.

Article 7

This Convention revises the Placing of Seamen Convention, 1920.

Article 8

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 9

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

4. The ratification by a Member of this Convention shall, as from the date it has come into force, constitute an act of immediate denunciation of the Placing of Seamen Convention, 1920.

Article 10

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 11

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and denunciations communicated by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention shall come into force.

Article 12

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with Article 102 of the Charter of the United Nations, full particulars of all ratifications and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding Articles.

Article 13

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 7

La présente convention révisé la convention sur le placement des marins, 1920.

Article 8

Les ratifications formelles de la présente convention seront communiquées au Directeur général du Bureau international du Travail et par lui enregistrées.

Article 9

1. La présente convention ne liera que les Membres de l'Organisation internationale du Travail dont la ratification aura été enregistrée par le Directeur général du Bureau international du Travail.

2. Elle entrera en vigueur douze mois après que les ratifications de deux Membres auront été enregistrées par le Directeur général.

3. Par la suite, cette convention entrera en vigueur pour chaque Membre douze mois après la date où sa ratification aura été enregistrée.

4. La ratification par un Membre de la présente convention vaudra, à partir de la date de son entrée en vigueur, acte de dénonciation immédiate de la convention sur le placement des marins, 1920.

Article 10

1. Tout Membre ayant ratifié la présente convention peut la dénoncer à l'expiration d'une période de dix années après la date de la mise en vigueur initiale de la convention, par un acte communiqué au Directeur général du Bureau international du Travail et par lui enregistré. La dénonciation ne prendra effet qu'une année après avoir été enregistrée.

2. Tout Membre ayant ratifié la présente convention qui, dans le délai d'une année après l'expiration de la période de dix années mentionnée au paragraphe précédent, ne fera pas usage de la faculté de dénonciation prévue par le présent article sera lié pour une nouvelle période de dix années et, par la suite, pourra dénoncer la présente convention à l'expiration de chaque période de dix années dans les conditions prévues au présent article.

Article 11

1. Le Directeur général du Bureau international du Travail notifiera à tous les Membres de l'Organisation internationale du Travail l'enregistrement de toutes les ratifications et de tous actes de dénonciation qui lui seront communiqués par les Membres de l'Organisation.

2. En notifiant aux Membres de l'Organisation l'enregistrement de la deuxième ratification qui lui aura été communiquée, le Directeur général appellera l'attention des Membres de l'Organisation sur la date à laquelle la présente convention entrera en vigueur.

Article 12

Le Directeur général du Bureau international du Travail communiquera au Secrétaire général des Nations Unies, aux fins d'enregistrement, conformément à l'article 102 de la Charte des Nations Unies, des renseignements complets au sujet de toutes ratifications et de tous actes de dénonciation qu'il aura enregistrés conformément aux articles précédents.

Article 13

Chaque fois qu'il le jugera nécessaire, le Conseil d'administration du Bureau international du Travail présentera à la Conférence générale un rapport sur l'application de la présente convention et examinera s'il y a lieu d'inscrire à l'ordre du jour de la Conférence la question de sa révision totale ou partielle.

Article 14

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides --

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 10 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 15

The English and French versions of the text of this Convention are equally authoritative.

Article 14

1. Au cas où la Conférence adopterait une nouvelle convention portant révision totale ou partielle de la présente convention, et à moins que la nouvelle convention ne dispose autrement:

- a) la ratification par un Membre de la nouvelle convention portant révision entraînerait de plein droit, nonobstant l'article 10 ci-dessus, dénonciation immédiate de la présente convention, sous réserve que la nouvelle convention portant révision soit entrée en vigueur;
- b) à partir de la date de l'entrée en vigueur de la nouvelle convention portant révision, la présente convention cesserait d'être ouverte à la ratification des Membres.

2. La présente convention demeurerait en tout cas en vigueur dans sa forme et teneur pour les Membres qui l'auraient ratifiée et qui ne ratifieraient pas la convention portant révision.

Article 15

Les versions française et anglaise du texte de la présente convention font également foi.

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the International Labour Organization during its Eighty-fourth Session which was held at Geneva and declared closed 22 October 1996.

IN FAITH WHEREOF we have appended our signatures this twenty-second day of October 1996.

Le texte qui précède est le texte authentique de la convention dûment adoptée par la Conférence générale de l'Organisation internationale du Travail dans sa quatre-vingt-quatrième session qui s'est tenue à Genève et qui a été déclarée close le 22 octobre 1996.

EN FOI DE QUOI ont apposé leurs signatures, ce vingt-deuxième jour d'octobre 1996:

*The President of the Conference,
Le Président de la Conférence,*

JAMES HUBBARD

*The Director-General of the International Labour Office,
Le Directeur général du Bureau international du Travail,*

MICHEL HANSENNE

The text of the Convention as here presented is a true copy of the text authenticated by the signatures of the President of the International Labour Conference and of the Director-General of the International Labour Office.

Le texte de la convention présentée ici est une copie exacte du texte authentiqué par les signatures du Président de la Conférence internationale du Travail et du Directeur général du Bureau international du Travail.

Certified true and complete copy,
Copie certifiée conforme et complète,

For the Director-General of the International Labour Office:
Pour le Directeur général du Bureau international du Travail:

International Labour Conference Conférence internationale du Travail

RECOMMENDATION 186

RECOMMENDATION CONCERNING THE RECRUITMENT
AND PLACEMENT OF SEAFARERS,
ADOPTED BY THE CONFERENCE AT ITS
EIGHTY-FOURTH SESSION, GENEVA, 22 OCTOBER 1996

RECOMMANDATION 186

RECOMMANDATION CONCERNANT LE RECRUTEMENT
ET LE PLACEMENT DES GENS DE MER,
ADOPTÉE PAR LA CONFÉRENCE À SA
QUATRE-VINGT-QUATRIÈME SESSION, GENÈVE, 22 OCTOBRE 1996

Recommendation 186

**RECOMMENDATION CONCERNING THE RECRUITMENT
AND PLACEMENT OF SEAFARERS**

The General Conference of the International Labour Organization,
Having been convened at Geneva by the Governing Body of the International
Labour Office, and having met in its Eighty-fourth Session on 8 October
1996, and

Having decided upon the adoption of certain proposals with regard to the
revision of the Placing of Seamen Convention, 1920, which is the third
item on the agenda of the session, and

Having determined that these proposals shall take the form of a
Recommendation supplementing the Recruitment and Placement of
Seafarers Convention, 1996;

adopts, this twenty-second day of October of the year one thousand nine hundred
and ninety-six, the following Recommendation, which may be cited as the
Recruitment and Placement of Seafarers Recommendation, 1996:

1. The competent authority should:

- (a) take the necessary measures to promote effective cooperation among
recruitment and placement services, whether public or private;
- (b) take account of the needs of the maritime industry at both the national and
international levels, when developing training programmes for seafarers, with
the participation of shipowners, seafarers and the relevant training institutions;
- (c) make suitable arrangements for the cooperation of representative organizations
of shipowners and seafarers in the organization and operation of the public
recruitment and placement services where they exist;
- (d) maintain an arrangement for the collection and analysis of all relevant
information on the maritime labour market, including:
 - (i) the current and prospective supply of seafarers classified by age, sex, rank
and qualifications and the industry's requirements, the collection of data on
age and sex being admissible only for statistical purposes or if used in the
framework of a programme to prevent discrimination based on age and sex;
 - (ii) the availability of employment on national and foreign ships;
 - (iii) continuity of employment;
 - (iv) the placement of apprentices, cadets and other trainees; and
 - (v) vocational guidance to prospective seafarers;
- (e) ensure that the staff responsible for the supervision of recruitment and placement
services be adequately trained and have relevant knowledge of the maritime
industry;
- (f) prescribe or approve operational standards and encourage the adoption of codes
of conduct and ethical practices for these services; and
- (g) promote continued supervision on the basis of a system of quality standards.

2. The operational standards referred to in Paragraph 1(f) should include
provisions dealing with:

- (a) the qualifications and training required of the management and staff of
recruitment and placement services, which should include knowledge of the
maritime sector, particularly of relevant maritime international instruments on
training, certification and labour standards;

**RECOMMANDATION CONCERNANT LE RECRUTEMENT
ET LE PLACEMENT DES GENS DE MER**

La Conférence générale de l'Organisation internationale du Travail,
Convoquée à Genève par le Conseil d'administration du Bureau international
du Travail, et s'y étant réunie le 8 octobre 1996, en sa quatre-vingt-
quatrième session;

Après avoir décidé d'adopter diverses propositions relatives à la révision de
la convention sur le placement des marins, 1920, question qui constitue
le troisième point à l'ordre du jour de la session;

Après avoir décidé que ces propositions prendraient la forme d'une
recommandation destinée à compléter la convention sur le recrutement
et le placement des gens de mer, 1996,

adopte, ce vingt-deuxième jour d'octobre mil neuf cent quatre-vingt-seize, la
recommandation ci-après, qui sera dénommée Recommandation sur le recrutement
et le placement des gens de mer, 1996.

1. L'autorité compétente devrait:

- a) prendre les mesures nécessaires pour promouvoir une coopération efficace
entre les services de recrutement et de placement, qu'ils soient publics ou
privés;
- b) prendre en compte, avec la participation des armateurs, des gens de mer et
des instituts de formation concernés, les besoins du secteur maritime, aux
niveaux national et international, lorsque les programmes de formation de
gens de mer sont mis en place;
- c) prendre des dispositions appropriées en vue de la coopération des
organisations représentatives des armateurs et des gens de mer à l'organisation
et au fonctionnement des services publics de recrutement et de placement là
où ils existent;
- d) disposer d'un mécanisme en vue de la collecte et de l'analyse des informations
pertinentes sur le marché du travail maritime, en ce qui concerne notamment:
 - i) l'offre actuelle et prévisible de gens de mer classés par âge, sexe, grade
et qualifications ainsi que les besoins du secteur, la collecte de données
sur l'âge et le sexe n'étant admissible qu'à des fins statistiques ou si ces
données sont utilisées dans le cadre d'un programme visant à empêcher
toute discrimination fondée sur l'âge et le sexe;
 - ii) les possibilités d'emplois sur les navires nationaux et étrangers;
 - iii) la continuité de l'emploi;
 - iv) le placement des apprentis, élèves officiers et autres stagiaires;
 - v) l'orientation professionnelle des futurs gens de mer;
- e) faire en sorte que le personnel responsable de la surveillance des services de
recrutement et de placement soit convenablement formé et possède une
connaissance appropriée du secteur maritime;
- f) prescrire ou approuver des normes de fonctionnement et encourager l'adoption
de codes de déontologie ou d'éthique pour ces services;
- g) promouvoir un contrôle continu dans le cadre d'un système de normes de
qualité.

2. Les normes de fonctionnement visées au paragraphe 1 f) devraient inclure
des dispositions relatives:

- a) aux qualifications et à la formation requises de la direction et du personnel des
services de recrutement et de placement, qui devraient comprendre la
connaissance du secteur maritime, et notamment des instruments
internationaux maritimes pertinents sur la formation, les certificats de capacité
et les normes de travail;

- (b) the keeping of a register of seafarers seeking employment at sea; and
- (c) matters pertaining to medical examinations, vaccinations, seafarers' documents and such other items as may be required for the seafarer to gain employment.

3. In particular, the operational standards referred to in Paragraph 1(f) should provide that each recruitment and placement service:

- (a) maintain, with due regard to the right to privacy and the need to protect confidentiality, full and complete records of the seafarers covered by its recruitment and placement system, which should include but not be limited to:
 - (i) the seafarers' qualifications;
 - (ii) record of employment;
 - (iii) personal data relevant to employment;
 - (iv) medical data relevant to employment;
- (b) maintain up-to-date crew lists of the vessels for which it provides crew and ensure that there is a means by which it can be contacted in an emergency at all hours;
- (c) have formal procedures to ensure that seafarers are not subject to exploitation by the agency or its personnel with regard to the offer of engagement on particular ships or by particular companies;
- (d) have formal procedures to prevent the opportunities for exploitation of seafarers arising from the issue of joining advances or any other financial transaction between the employer and the seafarer which are handled by it;
- (e) clearly publicize costs which the seafarer will bear by way of medical or documentary clearance;
- (f) ensure that seafarers are advised of any particular conditions applicable to the job for which they are to be engaged and of particular employers' policies relating to their employment;
- (g) have formal procedures which are in accordance with the principles of natural justice for dealing with cases of incompetence or indiscipline consistent with national laws and practice and, where applicable, with collective agreements;
- (h) have formal procedures to ensure, as far as practicable, that certificates of competency and medical certificates of seafarers submitted for employment are up-to-date and have not been fraudulently obtained and that employment references are verified;
- (i) have formal procedures to ensure that requests for information or advice by families of seafarers while they are at sea are dealt with promptly and sympathetically and at no cost; and
- (j) as a matter of policy, supply seafarers only to employers who offer terms and conditions of employment to seafarers which comply with applicable laws or regulations or collective agreements.

4. International cooperation should be encouraged between Members and relevant organizations and may include:

- (a) the systematic exchange of information on the maritime industry and labour market on a bilateral, regional and multilateral basis;
- (b) the exchange of information on maritime labour legislation;
- (c) the harmonization of policies, working methods and legislation governing recruitment and placement of seafarers;
- (d) the improvement of procedures and conditions for the international recruitment and placement of seafarers; and
- (e) workforce planning, taking account of the supply of and demand for seafarers and the requirements of the maritime industry.

- b) à la tenue d'un registre des gens de mer à la recherche d'un embarquement;
- c) aux questions relatives aux examens médicaux, aux vaccinations, aux documents nécessaires aux gens de mer et à toutes autres formalités auxquelles ces derniers doivent satisfaire pour obtenir un emploi.

3. En particulier, les normes de fonctionnement visées au paragraphe 1 f) devraient prévoir que les services de recrutement et de placement:

- a) tiennent, en veillant au respect dû à la vie privée et à la nécessité de protéger la confidentialité, des registres complets des gens de mer couverts par leur système de recrutement et de placement, lesquels devraient au moins inclure les informations suivantes:
 - i) les qualifications des gens de mer;
 - ii) leurs états de service;
 - iii) les données personnelles pertinentes pour l'emploi;
 - iv) les données médicales pertinentes pour l'emploi;
- b) tiennent à jour les listes d'équipages des navires sur lesquels ils placent des équipages et assurent qu'il existe un moyen permettant de les contacter à tout moment en cas d'urgence;
- c) disposent d'une procédure établie pour assurer que ni l'agence ni son personnel n'exploitent les gens de mer en ce qui concerne l'offre d'engagement sur des navires donnés ou par des sociétés données;
- d) disposent d'une procédure établie pour éviter les risques d'exploitation des gens de mer pouvant résulter de la remise d'avances sur salaire ou de toute autre transaction financière conclue entre l'employeur et les gens de mer et traitée par leur intermédiaire;
- e) fassent connaître clairement les frais que les gens de mer auront à supporter pour l'obtention des certificats médicaux et autorisations nécessaires;
- f) veillent à ce que les gens de mer soient informés de toutes conditions particulières applicables au travail pour lequel ils vont être engagés ainsi que des pratiques particulières adoptées par les employeurs en ce qui concerne leur emploi;
- g) disposent d'une procédure établie, pour traiter les cas d'incompétence ou d'indiscipline, conforme aux principes d'équité, à la législation et à la pratique nationales et, le cas échéant, aux conventions collectives;
- h) disposent d'une procédure établie pour veiller, dans la mesure où cela est réalisable, à ce que les certificats médicaux et de capacité présentés par les gens de mer en vue d'obtenir un emploi soient à jour, n'aient pas été obtenus frauduleusement, et que leurs références professionnelles soient vérifiées;
- i) disposent d'une procédure établie pour que les demandes d'informations ou de conseils formulées par les proches des gens de mer lorsque ceux-ci sont embarqués soient traitées sans délai, avec bienveillance, et sans frais;
- j) se fixent pour règle de ne mettre des gens de mer à la disposition d'employeurs que si ces derniers offrent des conditions d'emploi conformes à la législation applicable ou aux conventions collectives.

4. La coopération internationale devrait être encouragée entre les Membres et les organisations intéressées et pourrait porter notamment sur:

- a) l'échange systématique d'informations sur la situation du secteur et du marché du travail maritimes sur une base bilatérale, régionale et multilatérale;
- b) l'échange d'informations sur la législation du travail maritime;
- c) l'harmonisation des politiques, des méthodes de travail et de la législation régissant le recrutement et le placement des gens de mer;
- d) l'amélioration des procédures et des conditions relatives au recrutement et au placement des gens de mer sur le plan international;
- e) la planification de la main-d'œuvre, compte tenu de l'offre et de la demande de gens de mer et des besoins du secteur maritime.

The foregoing is the authentic text of the Recommendation duly adopted by the General Conference of the International Labour Organization during its Eighty-fourth Session which was held at Geneva and declared closed 22 October 1996.

IN FAITH WHEREOF we have appended our signatures this twenty-second day of October 1996.

Le texte qui précède est le texte authentique de la recommandation dûment adoptée par la Conférence générale de l'Organisation internationale du Travail dans sa quatre-vingt-quatrième session qui s'est tenue à Genève et qui a été déclarée close le 22 octobre 1996.

EN FOI DE QUOI ont apposé leurs signatures, ce vingt-deuxième jour d'octobre 1996:

*The President of the Conference,
Le Président de la Conférence,*

JAMES HUBBARD

*The Director-General of the International Labour Office,
Le Directeur général du Bureau international du Travail,*

MICHEL HANSENNE

The text of the Recommendation as here presented is a true copy of the text authenticated by the signatures of the President of the International Labour Conference and of the Director-General of the International Labour Office.

Le texte de la recommandation présentée ici est une copie exacte du texte authentiqué par les signatures du Président de la Conférence internationale du Travail et du Directeur général du Bureau international du Travail.

Certified true and complete copy,
Copie certifiée conforme et complète,

*For the Director-General of the International Labour Office:
Pour le Directeur général du Bureau international du Travail:*

International Labour Conference Conférence internationale du Travail

CONVENTION 180

CONVENTION CONCERNING SEAFARERS' HOURS OF WORK
AND THE MANNING OF SHIPS,
ADOPTED BY THE CONFERENCE AT ITS
EIGHTY-FOURTH SESSION, GENEVA, 22 OCTOBER 1996

CONVENTION 180

CONVENTION CONCERNANT LA DURÉE DU TRAVAIL
DES GENS DE MER ET LES EFFECTIFS DES NAVIRES,
ADOPTÉE PAR LA CONFÉRENCE À SA
QUATRE-VINGT-QUATRIÈME SESSION, GENÈVE, 22 OCTOBRE 1996

AUTHENTIC TEXT
TEXTE AUTHENTIQUE

**CONVENTION CONCERNING SEAFARERS' HOURS OF WORK
AND THE MANNING OF SHIPS**

The General Conference of the International Labour Organization,
Having been convened at Geneva by the Governing Body of the International
Labour Office, and having met in its Eighty-fourth Session on 8 October
1996, and,

Noting the provisions of the Merchant Shipping (Minimum Standards)
Convention, 1976 and the Protocol of 1996 thereto; and the Labour
Inspection (Seafarers) Convention, 1996, and

Recalling the relevant provisions of the following instruments of the
International Maritime Organization: International Convention for the
Safety of Life at Sea, 1974, as amended, the International Convention
on Standards of Training, Certification and Watchkeeping for Seafarers,
1978, as amended in 1995, Assembly resolution A 481 (XII) (1981) on
Principles of Safe Manning, Assembly resolution A 741 (18) (1993) on
the International Code for the Safe Operation of Ships and for Pollution
Prevention (International Safety Management (ISM) Code), and
Assembly resolution A 772 (18) (1993) on Fatigue Factors in Manning
and Safety, and

Recalling the entry into force of the United Nations Convention on the Law
of the Sea, 1982, on 16 November 1994, and

Having decided upon the adoption of certain proposals with regard to the
revision of the Wages, Hours of Work and Manning (Sea) Convention
(Revised), 1958, and the Wages, Hours of Work and Manning (Sea)
Recommendation, 1958, which is the second item of the agenda of the
session, and

Having determined that these proposals shall take the form of an international
Convention;

adopts, this twenty-second day of October of the year one thousand nine hundred
and ninety-six, the following Convention, which may be cited as the Seafarers'
Hours of Work and the Manning of Ships Convention, 1996:

PART I. SCOPE AND DEFINITIONS

Article 1

1. This Convention applies to every seagoing ship, whether publicly or
privately owned, which is registered in the territory of any Member for which the
Convention is in force and is ordinarily engaged in commercial maritime operations.
For the purpose of this Convention, a ship that is on the register of two Members
is deemed to be registered in the territory of the Member whose flag it flies.

2. To the extent it deems practicable, after consulting the representative
organizations of fishing-vessel owners and fishermen, the competent authority shall
apply the provisions of this Convention to commercial maritime fishing.

3. In the event of doubt as to whether or not any ships are to be regarded as
seagoing ships or engaged in commercial maritime operations or commercial
maritime fishing for the purpose of the Convention, the question shall be determined
by the competent authority after consulting the organizations of shipowners,
seafarers and fishermen concerned.

4. This Convention does not apply to wooden vessels of traditional build such
as dhows and junks.

**CONVENTION CONCERNANT LA DURÉE DU TRAVAIL
DES GENS DE MER ET LES EFFECTIFS DES NAVIRES**

La Conférence générale de l'Organisation internationale du Travail,
Convoquée à Genève par le Conseil d'administration du Bureau international
du Travail, et s'y étant réunie le 8 octobre 1996, en sa quatre-vingt-
quatrième session;

Notant les dispositions de la convention sur la marine marchande (normes
minima), 1976, le Protocole de 1996 s'y rapportant et la convention sur
l'inspection du travail (gens de mer), 1996;

Rappelant les dispositions pertinentes des instruments ci-après de
l'Organisation maritime internationale: la Convention internationale pour
la sauvegarde de la vie humaine en mer, 1974, telle qu'amendée; la
Convention internationale sur les normes de formation des gens de mer,
de délivrance des brevets et de veille, 1978, telle qu'amendée en 1995;
la résolution A 481 (XII) (1981) de l'Assemblée de cette organisation sur
les principes à observer pour déterminer les effectifs en fonction de la
sécurité; sa résolution A 741 (18) (1993) sur le Code international de
gestion pour la sécurité de l'exploitation des navires et la prévention de
la pollution (code ISM), et sa résolution A 772 (18) (1993) sur les
facteurs de fatigue des effectifs et la sécurité;

Rappelant l'entrée en vigueur, le 16 novembre 1994, de la Convention des
Nations Unies sur le droit de la mer, 1982;

Après avoir décidé d'adopter diverses propositions relatives à la révision de
la convention sur les salaires, la durée du travail à bord et les effectifs
(révisée), 1958, et de la recommandation sur les salaires, la durée du
travail à bord et les effectifs, 1958, question qui constitue le deuxième
point à l'ordre du jour de la session;

Après avoir décidé que ces propositions prendraient la forme d'une
convention internationale,

adopte, ce vingt-deuxième jour d'octobre mil neuf cent quatre-vingt-seize, la
convention ci-après, qui sera dénommée Convention sur la durée du travail des gens
de mer et les effectifs des navires, 1996.

PARTIE I. CHAMP D'APPLICATION ET DÉFINITIONS

Article 1

1. La présente convention s'applique à tout navire de mer, de propriété
publique ou privée, qui est immatriculé dans le territoire d'un Membre pour lequel
la convention est en vigueur et qui est normalement affecté à des opérations
maritimes commerciales. Aux fins de la convention, un navire qui est immatriculé
dans le territoire de deux Membres est considéré comme étant immatriculé dans le
territoire de celui dont il bat le pavillon.

2. Dans la mesure où, après consultation des organisations représentatives des
armateurs à la pêche et des pêcheurs, l'autorité compétente considère que cela est
réalisable, elle appliquera les dispositions de la convention à la pêche maritime
commerciale.

3. En cas de doute sur la question de savoir si un navire doit être considéré
aux fins de la convention comme un navire de mer, ou comme un navire affecté à
des opérations maritimes commerciales ou à la pêche maritime commerciale, la
question sera réglée par l'autorité compétente après consultation des organisations
d'armateurs, de marins et de pêcheurs intéressées.

4. La convention ne s'applique pas aux bateaux en bois de construction
traditionnelle, tels que les boutres (dhows) ou les jonques.

Article 2

For the purpose of this Convention:

- (a) the term "competent authority" means the minister, government department or other authority having power to issue regulations, orders or other instructions having the force of law in respect of seafarers' hours of work or rest or the manning of ships;
- (b) the term "hours of work" means time during which a seafarer is required to do work on account of the ship;
- (c) the term "hours of rest" means time outside hours of work; this term does not include short breaks;
- (d) the term "seafarer" means any person defined as such by national laws or regulations or collective agreements who is employed or engaged in any capacity on board a seagoing ship to which this Convention applies;
- (e) the term "shipowner" means the owner of the ship or any other organization or person, such as the manager or bareboat charterer, who has assumed the responsibility for the operation of the ship from the shipowner and who on assuming such responsibility has agreed to take over all the attendant duties and responsibilities.

PART II. SEAFARERS' HOURS OF WORK AND HOURS OF REST

Article 3

Within the limits set out in Article 5, there shall be fixed either a maximum number of hours of work which shall not be exceeded in a given period of time, or a minimum number of hours of rest which shall be provided in a given period of time.

Article 4

A Member which ratifies this Convention acknowledges that the normal working hours' standard for seafarers, like that for other workers, shall be based on an eight-hour day with one day of rest per week and rest on public holidays. However, this shall not prevent the Member from having procedures to authorize or register a collective agreement which determines seafarers' normal working hours on a basis no less favourable than this standard.

Article 5

1. The limits on hours of work or rest shall be as follows:

- (a) maximum hours of work shall not exceed:
 - (i) 14 hours in any 24-hour period; and
 - (ii) 72 hours in any seven-day period;
- or
- (b) minimum hours of rest shall not be less than:
 - (i) ten hours in any 24-hour period; and
 - (ii) 77 hours in any seven-day period.

2. Hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length, and the interval between consecutive periods of rest shall not exceed 14 hours.

3. Musters, fire-fighting and lifeboat drills, and drills prescribed by national laws and regulations and by international instruments shall be conducted in a manner that minimizes the disturbance of rest periods and does not induce fatigue.

Article 2

Aux fins de la présente convention:

- a) l'expression «autorité compétente» désigne le ministre, le service gouvernemental ou toute autre autorité habilitée à édicter des règlements, arrêtés ou autres instructions ayant force obligatoire en matière de durée du travail ou d'heures de repos des gens de mer, ou d'effectifs des navires;
- b) l'expression «durée du travail» désigne le temps durant lequel un marin est tenu d'effectuer un travail pour le navire;
- c) l'expression «heures de repos» désigne le temps qui n'est pas compris dans la durée du travail; cette expression n'inclut pas les interruptions de courte durée;
- d) l'expression «gens de mer» ou «marins» désignent les personnes définies comme tels par la législation nationale ou par les conventions collectives qui sont employées ou engagées, à quelque titre que ce soit, à bord d'un navire de mer auquel la convention s'applique;
- e) le terme «armateur» désigne le propriétaire du navire ou toute autre entité ou personne, telle que l'armateur gérant ou l'affrètement coque nue, à laquelle l'armateur a confié la responsabilité de l'exploitation du navire et qui, en assumant cette responsabilité, a accepté de s'acquitter de toutes les tâches et obligations afférentes.

PARTIE II. DURÉE DE TRAVAIL ET DE REPOS DES GENS DE MER

Article 3

Dans les limites indiquées à l'article 5, on fixera soit le nombre maximum d'heures de travail qui ne devra pas être dépassé dans une période donnée, soit le nombre minimum d'heures de repos qui devra être accordé dans une période donnée.

Article 4

Tout Membre qui ratifie cette convention reconnaît que la norme de durée du travail pour les gens de mer, comme pour les autres travailleurs, est de huit heures avec un jour de repos par semaine, plus le repos correspondant aux jours fériés. Cependant rien n'empêche le Membre d'adopter des dispositions visant à autoriser ou à enregistrer une convention collective qui fixe les horaires normaux de travail pour les gens de mer sur une base qui ne soit pas moins favorable que ladite norme.

Article 5

1. Les limites des heures de travail ou de repos doivent être établies comme suit:

a) le nombre maximal d'heures de travail ne doit pas dépasser:

- i) 14 heures par période de 24 heures;
- ii) 72 heures par période de sept jours;

ou

b) le nombre minimal d'heures de repos ne doit pas être inférieur à:

- i) dix heures par période de 24 heures;
- ii) 77 heures par période de sept jours.

2. Les heures de repos ne peuvent être scindées en plus de deux périodes, dont l'une d'une durée d'au moins six heures, et l'intervalle entre deux périodes consécutives de repos ne doit pas dépasser 14 heures.

3. Les appels, exercices d'incendie et d'évacuation et les exercices prescrits par la législation nationale et par les instruments internationaux doivent se dérouler de manière à éviter le plus possible de perturber les périodes de repos et à ne pas provoquer de fatigue.

4. In respect of situations when a seafarer is on call, such as when a machinery space is unattended, the seafarer shall have an adequate compensatory rest period if the normal period of rest is disturbed by call-outs to work.

5. If no collective agreement or arbitration award exists or if the competent authority determines that the provisions in the agreement or award in respect of paragraph 3 or 4 are inadequate, the competent authority shall determine such provisions to ensure the seafarers concerned have sufficient rest.

6. Nothing in paragraphs 1 and 2 shall prevent the Member from having national laws or regulations or a procedure for the competent authority to authorize or register collective agreements permitting exceptions to the limits set out. Such exceptions shall, as far as possible, follow the standards set out but may take account of more frequent or longer leave periods or the granting of compensatory leave for watchkeeping seafarers or seafarers working on board ships on short voyages.

7. The Member shall require the posting, in an easily accessible place, of a table with the shipboard working arrangements, which shall contain for every position at least:

- (a) the schedule of service at sea and service in port; and
- (b) the maximum hours of work or the minimum hours of rest required by the laws, regulations or collective agreements in force in the flag State.

8. The table referred to in paragraph 7 shall be established in a standardized format in the working language or languages of the ship and in English.

Article 6

No seafarer under 18 years of age shall work at night. For the purpose of this Article, "night" means a period of at least nine consecutive hours, including the interval from midnight to five a.m. This provision need not be applied when the effective training of young seafarers between the ages of 16 and 18 in accordance with established programmes and schedules would be impaired.

Article 7

1. Nothing in this Convention shall be deemed to impair the right of the master of a ship to require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on board or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea.

2. In accordance with paragraph 1, the master may suspend the schedule of hours of work or hours of rest and require a seafarer to perform any hours of work necessary until the normal situation has been restored.

3. As soon as practicable after the normal situation has been restored, the master shall ensure that any seafarers who have performed work in a scheduled rest period are provided with an adequate period of rest.

Article 8

1. The Member shall require that records of seafarers' daily hours of work or of their daily hours of rest be maintained to allow monitoring of compliance with the provisions set out in Article 5. The seafarer shall receive a copy of the records pertaining to him or her which shall be endorsed by the master, or a person authorized by the master, and by the seafarer.

4. Dans les situations où un marin est en période d'astreinte, par exemple, lorsqu'un local de machines est sans présence humaine, le marin doit bénéficier d'une période de repos compensatoire adéquate si la durée normale de son repos est perturbée par des appels.

5. S'il n'existe ni convention collective ni sentence arbitrale ou si l'autorité compétente décide que les dispositions de la convention collective ou de la sentence arbitrale sont insuffisantes en ce qui concerne les paragraphes 3 et 4 ci-dessus, l'autorité compétente doit fixer les dispositions visant à assurer aux marins en question un repos suffisant.

6. Rien dans les paragraphes 1 et 2 ci-dessus ne saurait empêcher le Membre d'adopter une législation nationale ou une procédure permettant à l'autorité compétente d'autoriser ou d'enregistrer des conventions collectives prévoyant des dérogations aux limites fixées. Ces dérogations doivent, dans la mesure du possible, être conformes aux normes fixées mais peuvent tenir compte de périodes de congé plus fréquentes ou plus longues, ou de l'octroi de congé compensatoire aux marins de quart ou aux marins travaillant à bord de navires affectés à des voyages de courte durée.

7. Le Membre doit exiger que soit affiché à un endroit facilement accessible un tableau précisant l'organisation du travail à bord qui doit indiquer pour chaque fonction au moins:

- a) le programme du service à la mer et au port;
- b) le nombre maximal d'heures de travail ou le nombre minimal d'heures de repos prescrit par la législation, la réglementation ou les conventions collectives en vigueur dans l'Etat du pavillon.

8. Le tableau visé au paragraphe 7 ci-dessus doit être établi selon un modèle normalisé dans la ou les langues de travail du navire ainsi qu'en langue anglaise.

Article 6

Aucun marin âgé de moins de 18 ans ne doit travailler la nuit. Aux fins de cet article, le terme «nuit» signifie neuf heures consécutives au moins, y compris une période se situant entre minuit et cinq heures du matin. La présente disposition pourra ne pas s'appliquer lorsque la formation effective des jeunes marins âgés de 16 à 18 ans, conformément aux programmes et calendriers établis, s'en trouverait affectée.

Article 7

1. Rien dans cette convention n'est censé affecter le droit du capitaine d'un navire d'exiger d'un marin les heures de travail nécessaires à la sécurité immédiate du navire, des personnes à bord ou de la cargaison, ou en vue de porter secours à d'autres navires ou aux personnes en détresse en mer.

2. Conformément aux dispositions du paragraphe 1, le capitaine pourra suspendre les horaires normaux de travail ou de repos et exiger qu'un marin accomplisse les heures de travail nécessaires jusqu'au retour à une situation normale.

3. Dès que cela est réalisable après le retour à une situation normale, le capitaine doit faire en sorte que tout marin ayant effectué un travail alors qu'il était en période de repos selon l'horaire normal bénéficie d'une période de repos adéquate.

Article 8

1. Le Membre doit prévoir que des registres des heures quotidiennes de travail ou de repos des marins soient tenus pour veiller au respect des dispositions énoncées à l'article 5. Le marin doit recevoir un exemplaire des registres le concernant qui doit être émargé par le capitaine, ou par une personne autorisée par ce dernier, ainsi que par le marin.

2. The competent authority shall determine the procedures for keeping such records on board, including the intervals at which the information shall be recorded. The competent authority shall establish the format of the records of the seafarers' hours of work or of their hours of rest taking into account any available International Labour Organization guidelines or shall use any standard format prepared by the Organization. The format shall be established in the language or languages provided by Article 5, paragraph 8.

3. A copy of the relevant provisions of the national legislation pertaining to this Convention and the relevant collective agreements shall be kept on board and be easily accessible to the crew.

Article 9

The competent authority shall examine and endorse the records referred to in Article 8, at appropriate intervals, to monitor compliance with the provisions governing hours of work or hours of rest that give effect to this Convention.

Article 10

If the records or other evidence indicate infringement of provisions governing hours of work or hours of rest, the competent authority shall require that measures, including if necessary the revision of the manning of the ship, are taken so as to avoid future infringements.

PART III. MANNING OF SHIPS

Article 11

1. Every ship to which this Convention applies shall be sufficiently, safely and efficiently manned, in accordance with the minimum safe manning document or an equivalent issued by the competent authority.

2. When determining, approving or revising manning levels, the competent authority shall take into account:

- (a) the need to avoid or minimize, as far as practicable, excessive hours of work, to ensure sufficient rest and to limit fatigue; and
- (b) the international instruments identified in the Preamble.

Article 12

No person under 16 years of age shall work on a ship.

PART IV. RESPONSIBILITIES OF SHIPOWNERS AND MASTERS

Article 13

The shipowner shall ensure that the master is provided with the necessary resources for the purpose of compliance with obligations under this Convention, including those relating to the appropriate manning of the ship. The master shall take all necessary steps to ensure that the requirements on seafarers' hours of work and rest arising from this Convention are complied with.

2. L'autorité compétente doit fixer les modalités de tenue de ces registres à bord, y compris les intervalles auxquels les informations doivent être consignées. Elle doit établir pour les registres des heures de travail ou des heures de repos des marins un modèle en tenant compte des éventuelles directives de l'Organisation internationale du Travail ou utiliser le modèle normalisé éventuellement fourni par cette dernière. Ce modèle sera établi dans la ou les langues prévues à l'article 5, paragraphe 8.

3. Un exemplaire des dispositions pertinentes de la législation nationale se rapportant à la présente convention ainsi qu'un exemplaire des conventions collectives applicables doivent être conservés à bord et à un endroit facilement accessible à l'équipage.

Article 9

L'autorité compétente doit vérifier et viser, à des intervalles appropriés, les registres prévus à l'article 8 afin de s'assurer que les dispositions relatives aux heures de travail et aux heures de repos donnant effet à la convention sont respectées.

Article 10

S'il résulte des registres ou d'autres faits établis que les dispositions relatives aux heures de travail et aux heures de repos ne sont pas respectées, l'autorité compétente doit s'assurer que des mesures sont prises, y compris, s'il y a lieu, la révision des effectifs du navire, afin d'éviter que les infractions ne se renouvellent.

PARTIE III. EFFECTIFS DES NAVIRES

Article 11

1. Tout navire auquel s'applique cette convention doit avoir à bord un équipage suffisant en nombre et en qualité pour garantir la sécurité, conformément au document spécifiant les effectifs minima de sécurité, ou à tout autre document équivalent, établi par l'autorité compétente.

2. Pour déterminer, approuver ou réviser les effectifs d'un navire, l'autorité compétente doit tenir compte:

- a) de la nécessité d'éviter ou de restreindre, dans toute la mesure possible, une durée du travail excessive, d'assurer un repos suffisant et de limiter la fatigue;
- b) des instruments internationaux cités dans le préambule.

Article 12

Aucune personne âgée de moins de 16 ans ne doit travailler à bord d'un navire.

PARTIE IV. RESPONSABILITÉS DE L'ARMATEUR ET DU CAPITAINE

Article 13

L'armateur doit s'assurer, aux fins du respect des obligations résultant de cette convention, que le capitaine dispose des ressources nécessaires, y compris des effectifs suffisants. Le capitaine doit prendre toutes les mesures nécessaires pour assurer que les conditions en matière d'heures de travail et d'heures de repos des marins résultant de cette convention soient respectées.

PART V. APPLICATION

Article 14

A Member which ratifies this Convention shall be responsible for the application of its provisions by means of laws or regulations, except where effect is given by collective agreements, arbitration awards or court decisions.

Article 15

The Member shall:

- (a) take all necessary measures, including the provision of appropriate sanctions and corrective measures, to ensure the effective enforcement of the provisions of this Convention;
- (b) have appropriate inspection services to supervise the application of the measures taken in pursuance of this Convention and provide them with the necessary resources for this purpose; and
- (c) after consulting shipowners' and seafarers' organizations, have procedures to investigate complaints relating to any matter contained in this Convention.

PART VI. FINAL PROVISIONS

Article 16

This Convention revises the Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958; the Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949; the Wages, Hours of Work and Manning (Sea) Convention, 1946; and the Hours of Work and Manning (Sea) Convention, 1936. As from the date this Convention has come into force, the above-listed Conventions shall cease to be open to ratification.

Article 17

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 18

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.

2. This Convention shall come into force six months after the date on which the ratifications of five Members, three of which each have a least one million gross tonnage of shipping, have been registered with the Director-General of the International Labour Office.

3. Thereafter, this Convention shall come into force for any Member six months after the date on which its ratification has been registered.

Article 19

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article,

PARTIE V. APPLICATION

Article 14

Tout Membre qui ratifie la convention s'engage à en appliquer les dispositions par voie de législation nationale, à moins qu'il ne leur soit donné effet par voie de conventions collectives, de sentences arbitrales ou de décisions judiciaires.

Article 15

Le Membre doit:

- a) prendre toutes les mesures propres à garantir l'application effective des dispositions de cette convention et prévoir notamment des sanctions et mesures correctrices appropriées;
- b) disposer des services d'inspection appropriés pour contrôler l'application des mesures prises en vue de donner effet à cette convention et les doter des ressources nécessaires à cet effet;
- c) après consultation des organisations d'armateurs et de gens de mer, établir des procédures pour instruire les plaintes relatives à toute question couverte par cette convention.

PARTIE VI. DISPOSITIONS FINALES

Article 16

La présente convention révisé la convention sur les salaires, la durée du travail à bord et les effectifs (révisée), 1958, la convention sur les salaires, la durée du travail à bord et les effectifs (révisée), 1949, la convention sur les salaires, la durée du travail à bord et les effectifs, 1946, et la convention sur la durée du travail à bord et les effectifs, 1936. A compter de la date d'entrée en vigueur de la présente convention, les conventions susmentionnées cesseront d'être ouvertes à la ratification.

Article 17

Les ratifications formelles de la présente convention seront communiquées au Directeur général du Bureau international du Travail et par lui enregistrées.

Article 18

1. La présente convention ne liera que les Membres de l'Organisation internationale du Travail dont la ratification aura été enregistrée par le Directeur général du Bureau international du Travail.

2. La convention entrera en vigueur six mois après que les ratifications de cinq Membres, y compris trois dont les flottes marchandes atteignent chacune un tonnage brut égal ou supérieur à un million, auront été enregistrées auprès du Directeur général du Bureau international du Travail.

3. Par la suite, cette convention entrera en vigueur pour chaque Membre six mois après la date où sa ratification aura été enregistrée.

Article 19

1. Tout Membre ayant ratifié la présente convention peut la dénoncer à l'expiration d'une période de dix années après la date de la mise en vigueur initiale de la convention, par un acte communiqué au Directeur général du Bureau international du Travail et par lui enregistré. La dénonciation ne prendra effet qu'une année après avoir été enregistrée.

2. Tout Membre ayant ratifié la présente convention qui, dans le délai d'une année après l'expiration de la période de dix années mentionnée au paragraphe précédent, ne fera pas usage de la faculté de dénonciation prévue par le présent

will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 20

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and denunciations communicated by the Members of the Organization.

2. When the conditions provided for in Article 18, paragraph 2, above have been fulfilled, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention shall come into force.

Article 21

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with Article 102 of the Charter of the United Nations, full particulars of all ratifications and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding Articles.

Article 22

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 23

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides —

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 19 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 24

The English and French versions of the text of this Convention are equally authoritative.

article sera lié pour une nouvelle période de dix années et, par la suite, pourra dénoncer la présente convention à l'expiration de chaque période de dix années dans les conditions prévues au présent article.

Article 20

1. Le Directeur général du Bureau international du Travail notifiera à tous les Membres de l'Organisation internationale du Travail l'enregistrement de toutes les ratifications et dénonciations qui lui seront communiquées par les Membres de l'Organisation.

2. Quand les conditions énoncées à l'article 18, paragraphe 2, ci-dessus, auront été réunies, le Directeur général appellera l'attention des Membres de l'Organisation sur la date à laquelle la présente convention entrera en vigueur.

Article 21

Le Directeur général du Bureau international du Travail communiquera au Secrétaire général des Nations Unies, aux fins d'enregistrement, conformément à l'article 102 de la Charte des Nations Unies, des renseignements complets au sujet de toutes ratifications et de tous actes de dénonciation qu'il aura enregistrés conformément aux articles précédents.

Article 22

Chaque fois qu'il le jugera nécessaire, le Conseil d'administration du Bureau international du Travail présentera à la Conférence générale un rapport sur l'application de la présente convention et examinera s'il y a lieu d'inscrire à l'ordre du jour de la Conférence la question de sa révision totale ou partielle.

Article 23

1. Au cas où la Conférence adopterait une nouvelle convention portant révision totale ou partielle de la présente convention, et à moins que la nouvelle convention ne dispose autrement:

- a) la ratification par un Membre de la nouvelle convention portant révision entraînerait de plein droit, nonobstant l'article 19 ci-dessus, dénonciation immédiate de la présente convention, sous réserve que la nouvelle convention portant révision soit entrée en vigueur;
- b) à partir de la date de l'entrée en vigueur de la nouvelle convention portant révision, la présente convention cesserait d'être ouverte à la ratification des Membres.

2. La présente convention demeurerait en tout cas en vigueur dans sa forme et teneur pour les Membres qui l'auraient ratifiée et qui ne ratifieraient pas la convention portant révision.

Article 24

Les versions française et anglaise du texte de la présente convention font également foi.

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the International Labour Organization during its Eighty-fourth Session which was held at Geneva and declared closed the 22 October 1996.

IN FAITH WHEREOF we have appended our signatures this twenty-second day of October 1996.

Le texte qui précède est le texte authentique de la convention dûment adoptée par la Conférence générale de l'Organisation internationale du Travail dans sa quatre-vingt-quatrième session qui s'est tenue à Genève et qui a été déclarée close le 22 octobre 1996.

EN FOI DE QUOI ont apposé leurs signatures, ce vingt-deuxième jour d'octobre 1996:

*The President of the Conference,
Le Président de la Conférence,*

JAMES HUBBARD

*The Director-General of the International Labour Office,
Le Directeur général du Bureau international du Travail,*

MICHEL HANSENNE

The text of the Convention as here presented is a true copy of the text authenticated by the signatures of the President of the International Labour Conference and of the Director-General of the International Labour Office.

Le texte de la convention présentée ici est une copie exacte du texte authentiqué par les signatures du Président de la Conférence internationale du Travail et du Directeur général du Bureau international du Travail.

Certified true and complete copy,
Copie certifiée conforme et complète,

*For the Director-General of the International Labour Office:
Pour le Directeur général du Bureau international du Travail:*

International Labour Conference

Conférence internationale du Travail

RECOMMENDATION 187

RECOMMENDATION CONCERNING SEAFARERS' WAGES
AND HOURS OF WORK AND THE MANNING OF SHIPS,
ADOPTED BY THE CONFERENCE AT ITS
EIGHTY-FOURTH SESSION, GENEVA, 22 OCTOBER 1996

RECOMMANDATION 187

RECOMMANDATION CONCERNANT LES SALAIRES ET LA DURÉE DU TRAVAIL
DES GENS DE MER ET LES EFFECTIFS DES NAVIRES,
ADOPTÉE PAR LA CONFÉRENCE À SA
QUATRE-VINGT-QUATRIÈME SESSION, GENÈVE, 22 OCTOBRE 1996

AUTHENTIC TEXT
TEXTE AUTHENTIQUE

Recommendation 187

**RECOMMENDATION CONCERNING SEAFARERS' WAGES
AND HOURS OF WORK AND THE MANNING OF SHIPS**

The General Conference of the International Labour Organization,
Having been convened at Geneva by the Governing Body of the International
Labour Office, and having met in its Eighty-fourth Session on 8 October
1996, and

Noting the provisions of the Protection of Wages Convention, 1949; the
Minimum Wage-Fixing Convention, 1970, the Seafarers' Annual Leave
with Pay Convention, 1976, the Merchant Shipping (Minimum
Standards) Convention, 1976, the Repatriation of Seafarers Convention
(Revised), 1987, the Protection of Workers' Claims (Employer's
Insolvency) Convention, 1992, and the International Convention on
Maritime Liens and Mortgages, 1993, and

Having decided upon the adoption of certain proposals with regard to the
revision of the Wages, Hours of Work and Manning (Sea) Convention
(Revised), 1958 and the Wages, Hours of Work and Manning (Sea)
Recommendation, 1958, which is the second item on the agenda of the
session, and

Having determined that these proposals shall take the form of a
Recommendation supplementing the Seafarers' Hours of Work and the
Manning of Ships Convention, 1996;

adopts this twenty-second day of October of the year one thousand nine hundred and
ninety-six, the following Recommendation, which may be cited as the Seafarers'
Wages, Hours of Work and the Manning of Ships Recommendation, 1996:

I. SCOPE AND DEFINITIONS

1. (1) This Recommendation applies to every seagoing ship, whether publicly
or privately owned, which is registered in the territory of the Member and is
ordinarily engaged in commercial maritime operations.

(2) To the extent it deems practicable, after consulting the representative
organizations of fishing-vessel owners and fishermen, the competent authority
should apply the provisions of this Recommendation to commercial maritime
fishing.

(3) In the event of doubt as to whether or not any ships are to be regarded
as seagoing ships or engaged in commercial maritime operations or commercial
maritime fishing for the purposes of this Recommendation, the question should be
determined by the competent authority after consulting the organizations of
shipowners, seafarers and fishermen concerned.

(4) This Recommendation does not apply to wooden vessels of traditional
build such as dhows and junks.

2. For the purpose of this Recommendation:

- (a) the term "basic pay or wages" means the pay, however composed, for normal
hours of work; it does not include payments for overtime worked, bonuses,
allowances, paid leave or any other additional remuneration;
- (b) the term "competent authority" means the minister, government department
or other authority having power to issue regulations, orders or other
instructions having the force of law in respect of seafarers' wages, hours of
work or rest or the manning of ships;

**RECOMMANDATION CONCERNANT LES SALAIRES
ET LA DURÉE DU TRAVAIL DES GENS DE MER
ET LES EFFECTIFS DES NAVIRES**

La Conférence générale de l'Organisation internationale du Travail,
Convoquée à Genève par le Conseil d'administration du Bureau international
du Travail, et s'y étant réunie le 8 octobre 1996, en sa quatre-vingt-
quatrième session;

Notant les dispositions de la convention sur la protection des salaires, 1949;
de la convention sur la fixation des salaires minima, 1970; de la
convention sur les congés payés annuels (gens de mer), 1976; de la
convention sur la marine marchande (normes minima), 1976; de la
convention sur le rapatriement des marins (révisée), 1987; de la
convention sur la protection des créances des travailleurs en cas
d'insolvabilité de leur employeur, 1992, et de la Convention
internationale de 1993 sur les privilèges et hypothèques maritimes;

Après avoir décidé d'adopter diverses propositions relatives à la révision de
la convention sur les salaires, la durée du travail à bord et les effectifs
(révisée), 1958, et de la recommandation sur les salaires, la durée du
travail à bord et les effectifs, 1958, question qui constitue le deuxième
point à l'ordre du jour de la session;

Après avoir décidé que ces propositions prendraient la forme d'une
recommandation complétant la convention sur la durée du travail des
gens de mer et les effectifs des navires (révisée), 1996,

adopte, ce vingt-deuxième jour d'octobre mil neuf cent quatre-vingt-seize, la
recommandation ci-après, qui sera dénommée Recommandation sur les salaires et
la durée du travail des gens de mer et les effectifs des navires, 1996.

I. CHAMP D'APPLICATION ET DÉFINITIONS

1. (1) La recommandation s'applique à tout navire de mer, de propriété
publique ou privée, qui est immatriculé dans le territoire du Membre et qui est
normalement affecté à des opérations maritimes commerciales.

(2) Dans la mesure où, après consultation des organisations représentatives
des armateurs à la pêche et des pêcheurs, l'autorité compétente considère que cela
est réalisable, elle devrait appliquer les dispositions de la recommandation à la pêche
maritime commerciale.

(3) En cas de doute sur la question de savoir si un navire devrait être
considéré, aux fins de la recommandation, comme un navire de mer, ou comme un
navire affecté à des opérations maritimes commerciales ou à la pêche maritime
commerciale, la question devrait être réglée par l'autorité compétente après
consultation des organisations d'armateurs, de marins et de pêcheurs intéressés.

(4) La recommandation ne s'applique pas aux bateaux en bois de construction
traditionnelle, tels que les boutres (dhows) ou les jonques.

2. Aux fins de la présente recommandation:

- a) les termes «salaire ou solde de base» désignent la rémunération perçue, quels
qu'en soient les éléments, pour une durée normale du travail; ils n'incluent
pas le paiement d'heures supplémentaires, les primes ou gratifications,
allocations, congés payés ou toute autre rémunération complémentaire;
- b) l'expression «autorité compétente» désigne le ministre, le service gouver-
nemental ou toute autre autorité habilitée à édicter des règlements, arrêtés ou
autres instructions ayant force obligatoire en matière de salaires, de durée du
travail ou d'heures de repos des gens de mer ou d'effectifs des navires;

- (c) the term "consolidated wage" means a wage or salary which includes the basic wage and other pay-related benefits; a consolidated wage may include compensation for all overtime hours which are worked and all other pay-related benefits, or it may include only certain benefits in a partial consolidation;
- (d) the term "hours of work" means time during which a seafarer is required to do work on account of the ship;
- (e) the term "overtime" means time worked in excess of the normal hours of work;
- (f) the term "seafarer" means any person defined as such by national laws or regulations or collective agreements who is employed or engaged in any capacity on board a seagoing ship to which this Recommendation applies; and
- (g) the term "shipowner" means the owner of the ship or any other organization or person, such as the manager or bareboat charterer, who has assumed the responsibility for the operation of the ship from the shipowner and who on assuming such responsibility has agreed to take over all the attendant duties and responsibilities.

II. SEAFARERS' WAGES

3. For seafarers whose remuneration includes separate compensation for overtime worked:

- (a) for the purpose of calculating wages, the normal hours of work at sea and in port should not exceed eight hours per day;
- (b) for the purpose of calculating overtime, the number of normal hours per week covered by the basic pay or wages should be prescribed by national laws or regulations, if not determined by collective agreements, but should not exceed 48 hours per week; collective agreements may provide for a different but not less favourable treatment;
- (c) the rate or rates of compensation for overtime, which should be not less than one and one-quarter times the basic pay or wages per hour, should be prescribed by national laws or regulations or by collective agreements; and
- (d) records of all overtime worked should be maintained by the master, or a person assigned by the master, and endorsed by the seafarer at regular intervals.

4. For seafarers whose wages are fully or partially consolidated:

- (a) the collective agreement, articles of agreement, contract of employment and letter of engagement should specify clearly the amount of remuneration payable to the seafarer and where appropriate the number of hours of work expected of the seafarer in return for this remuneration, and any additional allowances which might be due in addition to the consolidated wage, and in which circumstances;
- (b) where hourly overtime is payable for hours worked in excess of those covered by the consolidated wage, the hourly rate should be not less than one and one-quarter times the basic rate corresponding to the normal hours of work as defined in Paragraph 3; the same principle should be applied to the overtime hours included in the consolidated wage;
- (c) remuneration for that portion of the fully or partially consolidated wage representing the normal hours of work as defined in Paragraph 3(a) should be no less than the applicable minimum wage; and

- c) l'expression «salaire forfaitaire» désigne un salaire composé du salaire de base et d'autres prestations liées au salaire; le salaire forfaitaire peut inclure la rémunération de toutes les heures supplémentaires effectuées et de toutes autres prestations liées au salaire, ou il peut n'inclure que certaines prestations dans le cas d'un forfait partiel;
- d) l'expression «durée du travail» désigne le temps durant lequel un marin est tenu d'effectuer un travail pour le navire;
- e) l'expression «heures supplémentaires» désigne les heures de travail effectuées au-delà de la durée normale du travail;
- f) les termes «gens de mer» ou «marins» désignent les personnes définies comme tels par la législation nationale ou les conventions collectives qui sont employées ou engagées, à quelque titre que ce soit, à bord d'un navire de mer auquel la recommandation s'applique;
- g) le terme «armateur» désigne le propriétaire du navire ou toute autre entité ou personne, telle que l'armateur gérant ou l'affrètement coque nue, à laquelle l'armateur a confié la responsabilité de l'exploitation du navire et qui, en assumant cette responsabilité, a accepté de s'acquitter de toutes les tâches et obligations afférentes.

II. SALAIRES DES GENS DE MER

3. Pour les gens de mer qui reçoivent une compensation séparée pour les heures supplémentaires effectuées:

- a) la durée normale du travail à la mer et au port ne devrait pas, aux fins de calcul du salaire, être supérieure à huit heures par jour;
- b) aux fins du calcul des heures supplémentaires, la durée normale du travail par semaine couverte par le salaire ou la solde de base devrait être fixée par la législation nationale, pour autant qu'elle ne soit pas fixée par des conventions collectives; elle ne devrait toutefois pas être supérieure à 48 heures par semaine; des conventions collectives peuvent prévoir un traitement différent mais non moins favorable;
- c) le taux ou les taux de compensation pour les heures supplémentaires, qui devraient dans tous les cas comporter une majoration d'au moins 25 pour cent par rapport au taux horaire du salaire ou de la solde de base, devraient être prescrits par la législation nationale ou par convention collective;
- d) le capitaine, ou toute personne désignée par lui, devrait tenir les registres de toutes les heures supplémentaires effectuées; ces registres devraient être élargés par le marin à intervalles réguliers.

4. Pour les gens de mer dont le salaire est intégralement ou partiellement forfaitaire:

- a) les conventions collectives, les contrats d'engagement, les contrats de travail ainsi que la lettre d'engagement devraient spécifier clairement le montant de la rémunération payable au marin et, selon le cas, le nombre d'heures de travail censées être effectuées par lui pour cette rémunération, ainsi que toutes allocations supplémentaires qui pourraient lui être dues en sus du salaire forfaitaire et dans quels cas;
- b) lorsque des heures supplémentaires sont payables pour des heures de travail effectuées au-delà des heures couvertes par le salaire forfaitaire, le taux horaire devrait comporter une majoration d'au moins 25 pour cent par rapport au taux horaire de base correspondant à la durée normale du travail telle que définie au paragraphe 3; le même principe devrait être appliqué aux heures supplémentaires couvertes par le salaire forfaitaire;
- c) la rémunération de la partie du salaire intégralement ou partiellement forfaitaire qui correspond à la durée normale du travail telle que définie au paragraphe 3 a) ne devrait pas être inférieure au salaire minimum applicable;

- (d) for seafarers whose wages are partially consolidated, records of all overtime worked should be maintained and endorsed as provided in Paragraph 3(d).

5. National laws or regulations or collective agreements may provide for compensation for overtime or for work performed on the weekly day of rest and on public holidays by at least equivalent time off duty and off the ship or additional leave in lieu of remuneration or any other compensation so provided.

6. National laws and regulations adopted after consulting the representative organizations of seafarers and shipowners or, as appropriate, collective agreements should take into account the following principles:

- (a) equal remuneration for work of equal value should apply to all seafarers employed upon the same ship without discrimination based upon race, colour, sex, religion, political opinion, national extraction or social origin;
- (b) the articles of agreement or other agreement specifying the applicable wages or wage rates should be carried on board the ship; information on the amount of wages or wage rates should be made available to each seafarer, either by providing at least one signed copy of the relevant information to the seafarer in a language which the seafarer understands, or by posting a copy of the agreement in a place accessible to the crew or by some other appropriate means;
- (c) wages should be paid in legal tender; where appropriate, they may be paid by bank transfer, bank cheque, postal cheque or money order;
- (d) wages should be paid monthly or at some other regular interval, and on termination of engagement all remuneration due should be paid without undue delay;
- (e) adequate penalties or other appropriate remedies should be imposed by the competent authorities where shipowners unduly delay, or fail to make, payment of all remuneration due;
- (f) wages should be paid directly to the seafarer or to the seafarer's designated bank account unless he or she requests otherwise in writing;
- (g) subject to subparagraph (h), the shipowner should impose no limit on the seafarer's freedom to dispose of his or her remuneration;
- (h) deduction from remuneration should be permitted only if:
 - (i) there is an express provision therefor in national laws or regulations or in an applicable collective agreement;
 - (ii) the seafarer has been informed, in the manner deemed most appropriate by the competent authority, of the conditions for such deductions; and
 - (iii) they do not in total exceed the limit that may have been established by national laws or regulations or collective agreements or court decisions for making such deductions;
- (i) no deductions should be made from a seafarer's remuneration in respect of obtaining or retaining employment;
- (j) the competent authority should have the power to inspect stores and services provided on board ship to ensure that fair and reasonable prices are applied for the benefit of the seafarers concerned; and

- d) pour les gens de mer dont le salaire est partiellement forfaitaire, des registres de toutes les heures supplémentaires effectuées devraient être tenus et émargés comme prévu au paragraphe 3 d).

5. La législation nationale ou les conventions collectives pourraient prévoir que les heures supplémentaires ou le travail effectué le jour de repos hebdomadaire ou les jours fériés soient compensés par une période au moins équivalente d'exemption de service et de présence à bord, ou par un congé supplémentaire en lieu et place d'une rémunération ou par toute autre compensation qu'elles pourraient prévoir.

6. La législation nationale établie après consultation des organisations représentatives des armateurs et des gens de mer ou, selon le cas, les conventions collectives devraient tenir compte des principes suivants:

- a) le principe «à travail égal, salaire égal» devrait être appliqué à tous les marins travaillant sur le même navire, sans discrimination fondée sur la race, la couleur, le sexe, la religion, les opinions politiques, l'ascendance nationale ou l'origine sociale;
- b) le contrat d'engagement ou tout autre accord spécifiant le montant ou le taux des salaires devrait être disponible à bord; des informations sur le montant des salaires ou leurs taux devraient être tenues à la disposition du marin, en lui remettant au moins une copie signée de l'information correspondante dans une langue qu'il comprenne, ou en plaçant une copie de l'accord à un endroit accessible à l'équipage, ou par tout autre moyen approprié;
- c) les salaires devraient être payés dans une monnaie ayant cours légal, le cas échéant par transfert bancaire, chèque bancaire ou postal ou ordre de paiement;
- d) les salaires devraient être payés mensuellement ou à un autre intervalle régulier et, à la cessation de la relation d'emploi, toute rémunération restant due devrait être payée sans délai indu;
- e) des sanctions suffisantes ou d'autres mesures appropriées devraient être imposées par les autorités compétentes à tout armateur qui retarderait indûment ou n'effectuerait pas le paiement de toute rémunération due;
- f) les salaires devraient être versés directement au marin ou sur le compte bancaire désigné par lui, sauf s'il a demandé par écrit qu'il en soit autrement;
- g) sous réserve des dispositions de l'alinéa h), l'armateur ne devrait restreindre en aucune manière la liberté du marin de disposer de son salaire;
- h) les retenues sur salaires ne devraient être autorisées que si:
 - i) cela est expressément prévu par la législation nationale ou une convention collective applicable;
 - ii) le marin a été informé, de la façon que l'autorité compétente considère comme la plus appropriée, des conditions dans lesquelles ces retenues sont opérées;
 - iii) elles ne dépassent pas au total la limite établie à cette fin par la législation nationale, les conventions collectives ou les décisions judiciaires;
- i) aucune retenue ne devrait être effectuée sur la rémunération du marin pour l'obtention ou la conservation d'un emploi;
- j) l'autorité compétente devrait être habilitée à inspecter les magasins et services disponibles à bord afin de s'assurer qu'ils pratiquent des prix justes et raisonnables dans l'intérêt des marins concernés;

- (k) to the extent that seafarers' claims for wages and other sums due in respect of their employment are not secured in accordance with the provisions of the International Convention on Maritime Liens and Mortgages, 1993, such claims should be protected in accordance with the Protection of Workers' Claims (Employer's Insolvency) Convention, 1992, of the International Labour Organization.

7. The Member should, after consulting with shipowners' and seafarers' organizations, have procedures to investigate complaints relating to any matter contained in this Recommendation.

III. MINIMUM WAGES

8. (1) Without prejudice to the principle of free collective bargaining, the Member should, after consulting representative organizations of shipowners and seafarers, establish procedures for determining minimum wages for seafarers. Representative organizations of shipowners and seafarers should participate in the operation of such procedures.

(2) When establishing such procedures and in fixing minimum wages, due regard should be given to international labour standards concerning minimum wage fixing, as well as the following principles:

- (a) the level of minimum wages should take into account the nature of maritime employment, manning levels of ships, and seafarers' normal hours of work; and
 - (b) the level of minimum wages should be adjusted to take into account changes in the cost of living and in the needs of seafarers.
- (3) The competent authority should ensure:
- (a) by means of a system of supervision and sanctions, that wages are paid at not less than the rate or rates fixed; and
 - (b) that any seafarer who has been paid at a rate lower than the minimum wage is enabled to recover, by an inexpensive and expeditious judicial or other procedure, the amount by which he or she has been underpaid.

IV. MINIMUM MONTHLY BASIC PAY OR WAGE FIGURE FOR ABLE SEAMEN

9. For the purpose of this Part, the term "able seaman" means any seafarer who is deemed to be competent to perform any duty which may be required of a rating serving in the deck department, other than the duties of a leading or specialist rating, or any seafarer who is defined as an able seaman in accordance with national laws, regulations or practice, or collective agreement.

10. The basic pay or wages for a calendar month of service for an able seaman should be no less than the amount periodically set by the Joint Maritime Commission or another body authorized by the Governing Body of the International Labour Office. Upon a decision of the Governing Body, the Director-General of the ILO shall notify any revised amount to the Members of the International Labour Organization. As of 1 January 1995, the amount set by the Joint Maritime Commission was 385 United States dollars.

11. Nothing in this Part should be deemed to prejudice arrangements agreed between shipowners or their organizations and seafarers' organizations with regard to the regulation of standard minimum terms and conditions of employment, provided such terms and conditions are recognized by the competent authority.

- k) dans la mesure où les créances des travailleurs relatives à leurs salaires et autres sommes dues au titre de leur emploi ne sont pas garanties conformément à la Convention internationale de 1993 sur les privilèges et hypothèques maritimes, ces créances devraient être protégées par un privilège conformément à la convention de l'Organisation internationale du Travail sur la protection des créances des travailleurs en cas d'insolvabilité de leur employeur, 1992.

7. Tout Membre devrait, après consultation des organisations d'armateurs et de gens de mer, instituer des procédures pour instruire les plaintes relatives à toute question couverte par cette recommandation.

III. SALAIRES MINIMA

8. (1) Sans préjudice du principe de la libre négociation collective, tout Membre devrait établir, après consultation des organisations représentatives des armateurs et des gens de mer, des procédures de fixation des salaires minima pour les gens de mer. Des organisations représentatives des armateurs et des gens de mer devraient participer au fonctionnement de ces procédures.

(2) En établissant de telles procédures et en fixant les salaires minima, il devrait être tenu compte des normes internationales du travail relatives aux salaires minima ainsi que des principes suivants:

- a) le niveau des salaires minima devrait tenir compte de la nature de l'emploi maritime, des effectifs des navires et de la durée normale du travail des gens de mer;
- b) le niveau des salaires minima devrait être adapté à l'évolution du coût de la vie et aux besoins des marins.

(3) L'autorité compétente devrait:

- a) disposer d'un système de contrôle et de sanctions pour s'assurer que les salaires versés ne sont pas inférieurs aux taux établis;
- b) s'assurer que tout marin qui a été rémunéré à un taux inférieur au taux minimum puisse recouvrer, par une procédure judiciaire accélérée et peu onéreuse, ou toute autre procédure, le montant de la somme qui lui reste due.

IV. MONTANT DU SALAIRE OU DE LA SOLDE DE BASE MENSUELS MINIMA DES MATELOTS QUALIFIÉS

9. Aux fins des dispositions qui suivent, l'expression «matelot qualifié» désigne tout marin qui est censé posséder la compétence professionnelle nécessaire pour remplir toute tâche dont l'exécution peut être exigée d'un matelot affecté au service du pont autre que celle du personnel de maîtrise ou spécialisé, ou tout marin défini comme matelot qualifié au regard de la législation ou de la pratique nationales ou en vertu d'une convention collective.

10. Le salaire ou la solde de base pour un mois civil de service d'un matelot qualifié ne devrait pas être inférieur au montant établi périodiquement par la Commission paritaire maritime ou par un autre organe autorisé à le faire par le Conseil d'administration du Bureau international du Travail. Sur décision du Conseil d'administration, le Directeur général du Bureau international du Travail notifiera toute révision du montant ainsi établi aux Membres de l'Organisation internationale du Travail. Ce montant a été fixé par la Commission paritaire maritime le 1^{er} janvier 1995 à 385 dollars des Etats-Unis d'Amérique.

11. Rien dans cette partie de la recommandation ne devrait être interprété comme affectant les accords entre les armateurs, ou leurs organisations, et les organisations de gens de mer, en ce qui concerne la réglementation des termes et conditions minima d'emploi, sous réserve que ces conditions soient reconnues par l'autorité compétente.

V. EFFECT ON EARLIER RECOMMENDATION

12. This Recommendation supersedes the Wages, Hours of Work and Manning (Sea) Recommendation, 1958.

V. EFFET SUR LA RECOMMANDATION ANTÉRIEURE

12. La présente recommandation remplace la recommandation sur les salaires, la durée du travail à bord et les effectifs, 1958.

The foregoing is the authentic text of the Recommendation duly adopted by the General Conference of the International Labour Organization during its Eighty-fourth Session which was held at Geneva and declared closed 22 October 1996.

IN FAITH WHEREOF we have appended our signatures this twenty-second day of October 1996.

Le texte qui précède est le texte authentique de la recommandation dûment adoptée par la Conférence générale de l'Organisation internationale du Travail dans sa quatre-vingt-quatrième session qui s'est tenue à Genève et qui a été déclarée close le 22 octobre 1996.

EN FOI DE QUOI ont apposé leurs signatures, ce vingt-deuxième jour d'octobre 1996:

*The President of the Conference,
Le Président de la Conférence,*

JAMES HUBBARD

*The Director-General of the International Labour Office,
Le Directeur général du Bureau international du Travail,*

MICHEL HANSENNE

The text of the Recommendation as here presented is a true copy of the text authenticated by the signatures of the President of the International Labour Conference and of the Director-General of the International Labour Office.

Le texte de la recommandation présentée ici est une copie exacte du texte authentiqué par les signatures du Président de la Conférence internationale du Travail et du Directeur général du Bureau international du Travail.

Certified true and complete copy,
Copie certifiée conforme et complète,

*For the Director-General of the International Labour Office:
Pour le Directeur général du Bureau international du Travail:*

International Labour Conference Conférence internationale du Travail

PROTOCOL

PROTOCOL OF 1996 TO THE MERCHANT SHIPPING
(MINIMUM STANDARDS) CONVENTION, 1976,
ADOPTED BY THE CONFERENCE AT ITS
EIGHTY-FOURTH SESSION, GENEVA, 22 OCTOBER 1996

PROTOCOLE

PROTOCOLE DE 1996 RELATIF À LA CONVENTION SUR LA
MARINE MARCHANDE (NORMES MINIMA), 1976,
ADOPTÉ PAR LA CONFÉRENCE À SA
QUATRE-VINGT-QUATRIÈME SESSION, GENÈVE, 22 OCTOBRE 1996

**Protocol of 1996 to the Merchant
Shipping (Minimum Standards) Convention, 1976**

The General Conference of the International Labour Organization,
Having been convened at Geneva by the Governing Body of the International
Labour Office and having met in its Eighty-fourth Session on 8 October
1996, and

Noting the provisions of Article 2 of the Merchant Shipping (Minimum
Standards) Convention, 1976 (referred to below as "the principal
Convention"), which states in part that:

"Each Member which ratifies this Convention undertakes —

- (a) to have laws or regulations laying down, for ships registered in its
territory —
 - (i) safety standards, including standards of competency, hours of
work and manning, so as to ensure the safety of life on board
ship;
 - (ii) appropriate social security measures; and
 - (iii) shipboard conditions of employment and shipboard living
arrangements, in so far as these, in the opinion of the
Member, are not covered by collective agreements or laid
down by competent courts in a manner equally binding on the
shipowners and seafarers concerned;

and to satisfy itself that the provisions of such laws and regulations
are substantially equivalent to the Conventions or Articles of
Conventions referred to in the Appendix to this Convention, in so
far as the Member is not otherwise bound to give effect to the
Conventions in question"; and

Noting also the provisions of Article 4, paragraph 1, of the principal
Convention, which states that:

"If a Member which has ratified this Convention and in whose port a ship
calls in the normal course of its business or for operational reasons receives
a complaint or obtains evidence that the ship does not conform to the
standards of this Convention, after it has come into force, it may prepare a
report addressed to the government of the country in which the ship is
registered, with a copy to the Director-General of the International Labour
Office, and may take measures necessary to rectify any conditions on board
which are clearly hazardous to safety or health"; and

Recalling the Discrimination (Employment and Occupation) Convention, 1958,
Article 1, paragraph 1, of which states that:

"For the purpose of this Convention the term 'discrimination' includes —

- (a) any distinction, exclusion or preference made on the basis of race,
colour, sex, religion, political opinion, national extraction or social
origin, which has the effect of nullifying or impairing equality of
opportunity or treatment in employment or occupation;
- (b) such other distinction, exclusion or preference which has the effect of
nullifying or impairing equality of opportunity or treatment in
employment or occupation as may be determined by the Member
concerned after consultation with representative employers' and
workers' organisations, where such exist, and with other appropriate
bodies"; and

Recalling the entry into force of the United Nations Convention on the Law of
the Sea, 1982, on 16 November 1994, and

**Protocole de 1996 relatif à la convention
sur la marine marchande (normes minima), 1976**

La Conférence générale de l'Organisation internationale du Travail,
Convoquée à Genève par le Conseil d'administration du Bureau international
du Travail, et s'y étant réunie le 8 octobre 1996, en sa quatre-vingt-
quatrième session;

Notant les dispositions de l'article 2 de la convention sur la marine marchande
(normes minima), 1976 (ci-après dénommée «la convention principale»),
qui prévoit notamment que:

«Tout Membre qui ratifie la présente convention s'engage:

- a) à édicter une législation à l'égard des navires immatriculés sur son territoire en ce qui concerne:
 - i) les normes de sécurité, y compris celles ayant trait à la compétence de l'équipage, à la durée du travail et à son effectif, afin d'assurer la sauvegarde de la vie humaine à bord des navires;
 - ii) un régime approprié de sécurité sociale;
 - iii) les conditions d'emploi à bord et les arrangements relatifs à la vie à bord, dans la mesure où, à son avis, ils ne sont pas couverts par des conventions collectives ou déterminés par des tribunaux compétents d'une façon qui lie de la même manière les armateurs et les gens de mer intéressés;

et à vérifier que les dispositions d'une telle législation équivalent, dans l'ensemble, aux conventions ou aux articles de conventions auxquels il est fait référence dans l'annexe à la présente convention, pour autant que le Membre ne soit pas autrement tenu de donner effet aux conventions en question»;

Notant aussi les dispositions de l'article 4, paragraphe 1, de la convention principale, qui prévoit que:

«Si un Membre qui a ratifié la présente convention et dans le port duquel un navire fait escale dans le cours normal de son activité ou pour une raison inhérente à son exploitation reçoit une plainte ou acquiert la preuve que ce navire n'est pas conforme aux normes figurant dans la présente convention, après que celle-ci sera entrée en vigueur, il peut adresser un rapport au gouvernement du pays dans lequel est immatriculé le navire, avec copie au Directeur général du Bureau international du Travail, et prendre les mesures nécessaires pour redresser toute situation à bord qui constitue clairement un danger pour la sécurité ou la santé»;

Rappelant la convention concernant la discrimination (emploi et profession) 1958, dont l'article 1, paragraphe 1, dispose:

«Aux fins de la présente convention, le terme «discrimination» comprend:

- a) toute distinction, exclusion ou préférence fondée sur la race, la couleur, le sexe, la religion, l'opinion politique, l'ascendance nationale ou l'origine sociale, qui a pour effet de détruire ou d'altérer l'égalité de chances ou de traitement en matière d'emploi ou de profession;
- b) toute autre distinction, exclusion ou préférence ayant pour effet de détruire ou d'altérer l'égalité de chances ou de traitement en matière d'emploi ou de profession, qui pourra être spécifiée par le Membre intéressé après consultation des organisations représentatives d'employeurs et de travailleurs, s'il en existe, et d'autres organismes appropriés»;

Rappelant l'entrée en vigueur, le 16 novembre 1994, de la Convention des Nations Unies sur le droit de la mer, 1982;

Recalling the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended in 1995, of the International Maritime Organization,

Having decided on the adoption of certain proposals with regard to the partial revision of the principal Convention, which is the fourth item on the agenda of the session, and

Having determined that these proposals should take the form of a Protocol to the principal Convention;

adopts, this twenty-second day of October one thousand nine hundred and ninety-six, the following Protocol, which may be cited as the Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976:

Article 1

1. Each Member which ratifies this Protocol shall extend the list of Conventions appearing in the Appendix to the principal Convention to include the Conventions in Part A of the Supplementary Appendix and such Conventions listed in Part B of that Appendix as it accepts, if any, in accordance with Article 3 below.

2. Extension to the Convention listed in Part A of the Supplementary Appendix that is not yet in force shall take effect only when that Convention comes into force.

Article 2

A Member may ratify this Protocol at the same time as or at any time after it ratifies the principal Convention, by communicating its formal ratification of the Protocol to the Director-General of the International Labour Office for registration.

Article 3

1. Each Member which ratifies this Protocol shall, where applicable, in a declaration accompanying the instrument of ratification, specify which Convention or Conventions listed in Part B of the Supplementary Appendix it accepts.

2. A Member which has not accepted all of the Conventions listed in Part B of the Supplementary Appendix may, by subsequent declaration communicated to the Director-General of the International Labour Office, specify which other Convention or Conventions it accepts.

Article 4

1. For the purposes of Article 1, paragraph 1, and Article 3 of this Protocol, the competent authority shall hold prior consultations with the representative organizations of shipowners and seafarers.

2. The competent authority shall, as soon as practicable, make available to the representative organizations of shipowners and seafarers information as to ratifications, declarations and denunciations notified by the Director-General of the International Labour Office in conformity with Article 8, paragraph 1, below.

Article 5

For the purpose of this Protocol, the Repatriation of Seafarers Convention (Revised), 1987, shall, in the case of a Member which accepts that Convention, be regarded as a replacement of the Repatriation of Seamen Convention, 1926.

Rappelant la Convention internationale sur les normes de formation des gens de mer, de délivrance des brevets et de veille, 1978, telle qu'amendée en 1995, de l'Organisation maritime internationale;

Après avoir décidé d'adopter diverses propositions relatives à la révision partielle de la convention principale, question qui constitue le quatrième point à l'ordre du jour de la session;

Après avoir décidé que ces propositions prendraient la forme d'un protocole relatif à la convention principale,

adopte, ce vingt-deuxième jour d'octobre mil neuf cent quatre-vingt-seize, le protocole ci-après, qui sera dénommé Protocole de 1996 relatif à la convention sur la marine marchande (normes minima), 1976.

Article 1

1. Tout Membre qui ratifie le présent protocole étendra la liste des conventions figurant en annexe à la convention principale pour y inclure les conventions de la partie A de l'annexe supplémentaire ainsi que, le cas échéant, celles des conventions énumérées dans la partie B de cette annexe qu'il accepte en conformité avec l'article 3 ci-après.

2. En ce qui concerne la convention de la partie A de l'annexe supplémentaire qui n'est pas encore en vigueur, cette extension ne prendra effet que lorsque ladite convention entrera en vigueur.

Article 2

Un Membre peut ratifier le présent protocole en même temps qu'il ratifie la convention principale, ou à tout moment après la ratification de celle-ci, en communiquant sa ratification formelle du protocole au Directeur général du Bureau international du Travail aux fins d'enregistrement.

Article 3

1. Tout Membre qui ratifie le présent protocole doit, le cas échéant, préciser, dans une déclaration accompagnant son instrument de ratification, laquelle ou lesquelles des conventions énumérées dans la partie B de l'annexe supplémentaire il accepte.

2. Un Membre qui n'a pas accepté toutes les conventions énumérées dans la partie B de l'annexe supplémentaire peut, par une déclaration ultérieure communiquée au Directeur général du Bureau international du Travail, spécifier la ou les autres conventions qu'il accepte.

Article 4

1. Aux fins de l'application des articles 1, paragraphe 1, et 3 du présent protocole, l'autorité compétente consultera préalablement les organisations représentatives d'armateurs et de gens de mer.

2. L'autorité compétente devra, dès que cela est réalisable, mettre à la disposition des organisations représentatives d'armateurs et de gens de mer toutes informations relatives aux ratifications, déclarations et dénonciations notifiées par le Directeur général du Bureau international du Travail conformément aux dispositions de l'article 8, paragraphe 1, ci-dessous.

Article 5

Aux fins de l'application du présent protocole, la convention sur le rapatriement des marins (révisée), 1987, doit, dans le cas d'un Membre qui l'a acceptée, être considérée comme se substituant à la convention sur le rapatriement des marins, 1926.

Article 6

1. This Protocol shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.

2. This Protocol shall come into force 12 months after the date on which the ratifications of five Members, three of which each have at least one million gross tonnage of shipping, have been registered.

3. Thereafter, this Protocol shall come into force for any Member 12 months after the date on which its ratification has been registered.

Article 7

A Member which has ratified this Protocol may denounce it whenever the principal Convention is open to denunciation in accordance with its Article 7, by an act communicated to the Director-General of the International Labour Office for registration. Denunciation of this Protocol shall not take effect until one year after the date on which it is registered.

Article 8

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications, declarations and acts of denunciation communicated by the Members of the Organization.

2. When the conditions provided for in Article 6, paragraph 2, above have been fulfilled, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Protocol shall come into force.

Article 9

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with article 102 of the Charter of the United Nations, full particulars of all ratifications and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding Articles.

Article 10

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Protocol and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 11

For the purposes of revising this Protocol and closing it to ratification, the provisions of Article 11 of the principal Convention shall apply *mutatis mutandis*.

Article 12

The English and French versions of the text of this Protocol are equally authoritative.

Article 6

1. Le présent protocole ne liera que les Membres de l'Organisation internationale du Travail dont la ratification aura été enregistrée par le Directeur général du Bureau international du Travail.

2. Le présent protocole entrera en vigueur douze mois après que les ratifications de cinq Membres, y compris trois dont les flottes marchandes atteignent chacune un tonnage brut égal ou supérieur à un million, auront été enregistrées.

3. Par la suite, ce protocole entrera en vigueur pour chaque Membre douze mois après la date où sa ratification aura été enregistrée.

Article 7

Tout Membre ayant ratifié le présent protocole peut le dénoncer à tout moment où la convention principale est elle-même ouverte à dénonciation, conformément à son article 7, par un acte communiqué au Directeur général du Bureau international du Travail et par lui enregistré. La dénonciation de ce protocole ne prendra effet qu'une année après avoir été enregistrée.

Article 8

1. Le Directeur général du Bureau international du Travail notifiera à tous les Membres de l'Organisation internationale du Travail l'enregistrement de toutes les ratifications, déclarations ainsi que de tous actes de dénonciation qui lui seront communiqués par les Membres de l'Organisation.

2. Quand les conditions énoncées à l'article 6, paragraphe 2, ci-dessus auront été remplies, le Directeur général appellera l'attention des Membres de l'Organisation sur la date à laquelle le présent protocole entrera en vigueur.

Article 9

Le Directeur général du Bureau international du Travail communiquera au Secrétaire général des Nations Unies, aux fins d'enregistrement, conformément à l'article 102 de la Charte des Nations Unies, des renseignements complets au sujet de toutes ratifications et de tous actes de dénonciation qu'il aura enregistrés conformément aux articles précédents.

Article 10

Chaque fois qu'il le jugera nécessaire, le Conseil d'administration du Bureau international du Travail présentera à la Conférence générale un rapport sur l'application du présent protocole et examinera s'il y a lieu d'inscrire à l'ordre du jour de la Conférence la question de sa révision totale ou partielle.

Article 11

Aux fins de la révision du présent protocole et de sa fermeture à ratification, les dispositions de l'article 11 de la convention principale s'appliqueront *mutatis mutandis*.

Article 12

Les versions française et anglaise du texte du présent protocole font également foi.

Supplementary Appendix

Part A

Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133)
and
Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180)

Part B

Seafarers' Identity Documents Convention, 1958 (No. 108)
Workers' Representatives Convention, 1971 (No. 135)
Health Protection and Medical Care (Seafarers) Convention, 1987 (No. 164)
Repatriation of Seafarers Convention (Revised), 1987 (No. 166)

Annexe supplémentaire

Partie A

Convention (n° 133) sur le logement des équipages (dispositions complémentaires), 1970

et

Convention (n° 180) sur la durée du travail des gens de mer et les effectifs des navires, 1996

Partie B

Convention (n° 108) sur les pièces d'identité des gens de mer, 1958

Convention (n° 135) concernant les représentants des travailleurs, 1971

Convention (n° 164) sur la protection de la santé et les soins médicaux (gens de mer), 1987

Convention (n° 166) sur le rapatriement des marins (révisée), 1987

The foregoing is the authentic text of the Protocol duly adopted by the General Conference of the International Labour Organization during its Eighty-fourth Session which was held at Geneva and declared closed 22 October 1996.

IN FAITH WHEREOF we have appended our signatures this twenty-second day of October 1996.

Le texte qui précède est le texte authentique du protocole dûment adopté par la Conférence générale de l'Organisation internationale du Travail dans sa quatre-vingt-quatrième session qui s'est tenue à Genève et qui a été déclarée close le 22 octobre 1996.

EN FOI DE QUOI ont apposé leurs signatures, ce vingt-deuxième jour d'octobre 1996:

*The President of the Conference,
Le Président de la Conférence,*

JAMES HUBBARD

*The Director-General of the International Labour Office,
Le Directeur général du Bureau international du Travail,*

MICHEL HANSENNE

The text of the Protocol as here presented is a true copy of the text authenticated by the signatures of the President of the International Labour Conference and of the Director-General of the International Labour Office.

Le texte du protocole présenté ici est une copie exacte du texte authentiqué par les signatures du Président de la Conférence internationale du Travail et du Directeur général du Bureau international du Travail.

Certified true and complete copy,
Copie certifiée conforme et complète,

*For the Director-General of the International Labour Office:
Pour le Directeur général du Bureau international du Travail:*

**RESOLUTIONS ADOPTED
BY THE CONFERENCE**

RESOLUTIONS



**Resolutions adopted by the
International Labour Conference at its 84th (Maritime) Session
(Geneva, October 1996)**

I

**Resolution concerning the application of revised
Convention No. 9 to the fisheries sector¹**

The General Conference of the International Labour Organization,

Recognizing the current crisis in the fishing industry which has serious repercussions on the labour and social standards of fishermen and which has resulted in the abandonment of many crew members of fishing vessels in ports worldwide without any recourse to compensation for lost earnings and assistance with repatriation except from charitable organizations,

Recognizing also the increasing globalization of the industry which has led to the recruitment and placement of fishermen on board foreign flag vessels and the important initiatives undertaken by other international fora with regard to the management and conservation of fish stocks,

Noting the urgent need to apply international labour standards to fishermen and to expressly extend a number of the international labour maritime standards to the fishing sector,

Noting also the adoption of the Recruitment and Placement of Seafarers Convention, 1996,

Invites the Governing Body of the International Labour Office to:

1. Promote the application to fishermen of the Recruitment and Placement of Seafarers Convention, 1996, by Members following consultations between representative organizations of fishermen and fishing vessel owners and the competent authority,
2. Convene an early tripartite meeting for the fishing sector to assess which of the other ILO maritime instruments should be applied to the fishing sector through the adoption of appropriate protocols, and/or the adoption of new international labour standards for the sector and in this regard to place the issue of new labour standards for fishermen on the agenda of an early session of the International Labour Conference.

II

**Resolution concerning the recruitment and
placement of seafarers¹**

The General Conference of the International Labour Organization,

¹ Adopted on 21 October 1996.

Noting that the Recruitment and Placement of Seafarers Convention, 1996 was adopted in Geneva on 21 October 1996 in order to ensure that international labour standards regulating the activities of persons, companies, institutions, agencies or other organizations which are engaged in recruiting or placing seafarers should reflect current best practices in the shipping industry,

Further noting that the above Convention provides that no fees or other charges for recruitment or providing employment to seafarers shall be borne directly or indirectly, in whole or in part, by the seafarer,

Noting also that the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96), which applies to all categories of workers with the exception of seafarers, is to be discussed with a view to its revision at the 85th Session of the International Labour Conference, June 1997,

Recognizing that Convention No. 96 specifically excludes the placing of seafarers from its scope,

Considering that it is essential that recruitment and placement services operating in the shipping industry should be regulated in such a manner as to take full account of the international aspects and of the particular nature of maritime employment,

Invites the Governing Body of the International Labour Office to instruct the Director-General to bring to the attention of delegates to the 85th Session of the International Labour Conference, June 1997, the urgent need to maintain the exclusion of the placing of seafarers, taking into account the adoption by the 84th (Maritime) Session of the International Labour Conference of the Recruitment and Placement of Seafarers Convention, 1996.

III

Resolution concerning the application of the Seafarers' Hours of Work and the Manning of Ships Convention, 1996¹

The General Conference of the International Labour Organization,

Having discussed the second item on its agenda, entitled "Revision of the Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958 (No. 109), and Recommendation, 1958 (No. 109)",

Invites the Governing Body of the International Labour Office to request the Director-General, as a matter of priority, to develop the guidelines and standardized format referred to in Articles 5 and 8 of the Seafarers' Hours of Work and the Manning of Ships Convention, 1996, taking into account the texts and proposals made at the Committee and the discussions thereon, and recommends that a tripartite group of experts be convened by the ILO to assist in this exercise.

¹ Adopted on 21 October 1996.

IV

Resolution concerning the IMO/STCW Convention of 1978, as amended, and the application of the Seafarers' Hours of Work and the Manning of Ships Convention, 1996¹

The General Conference of the International Labour Organization,
Noting the Seafarers' Hours of Work and the Manning of Ships Convention,
1996,

Recalling article 19, paragraph 8, of the Constitution of the International
Labour Organization,

Recalling also the adoption of the International Convention on Standards of
Training, Certification and Watchkeeping for Seafarers, 1978, as amended in
1995, by the International Maritime Organization,

Declares that nothing in this Convention is intended to enable Members
ratifying the Convention which are also Parties to the revised Standards of
Training, Certification and Watchkeeping (STCW) to apply provisions to
watchkeeping seafarers that are less favourable than those contained in the revised
STCW Convention and are inconsistent with the minimum rest period provisions
of that Convention.

V

Resolution concerning the inspection of seafarers' working and living conditions¹

The General Conference of the International Labour Organization,
Having discussed the first item on its agenda, entitled "Revision of the
Labour Inspection (Seamen) Recommendation, 1926",

Considering the importance of the implementation of the instruments relating
to the inspection of seafarers' working and living conditions,

Recalling the Guidelines for Procedure in respect of inspection of labour
conditions on board ship issued by the International Labour Office in 1990,

Invites the Governing Body of the International Labour Office to request the
Director-General to make proposals for a further Meeting of Experts to review
the guidelines in the light especially of the standards adopted by the present
session of the Conference and for the promotion of the widest possible use of such
guidelines.

¹ Adopted on 21 October 1996.

DELEGATIONS

Supplément au *Compte rendu provisoire* (21 octobre 1996)

Conférence internationale du Travail

Quatre-vingt-quatrième session (maritime), Genève

DÉLÉGATIONS

Supplement to the *Provisional Record* (21 October 1996)

International Labour Conference

Eighty-fourth (Maritime) Session, Geneva

DELEGATIONS

Suplemento de *Actas Provisionales* (21 de octubre de 1996)

Conferencia Internacional del Trabajo

Octogésima cuarta reunión (marítima), Ginebra

DELEGACIONES

1996

LISTE FINALE FINAL LIST LISTA FINAL

La liste des délégations est présentée sous une forme trilingue dans l'ordre alphabétique français des pays représentés à la Conférence.

Toutes les informations concernant les noms des pays ou des organisations sont données en français, anglais et espagnol.

Les autres informations essentielles (titres et qualités des participants à la Conférence tels qu'ils figurent dans les pouvoirs officiels et fonctions exercées à la Conférence) sont indiquées dans une seule de ces langues: celle que doit utiliser le Bureau international du Travail dans la correspondance officielle avec le pays dont relève la personne intéressée.

The list of delegations is presented in trilingual form, in the French alphabetical order of the countries represented at the Conference.

All details relating to the names of countries and organisations are given in French, English and Spanish.

Other essential details (titles, positions or functions of participants as indicated in the official credentials and the Conference status of participants) are given in the language used for official correspondence between the ILO and the country in question.

En la lista trilingüe de delegaciones los países representados en la Conferencia figuran en orden alfabético francés.

Figuran en francés, inglés y español los nombres de los Estados y organizaciones asistentes a la Conferencia.

Por el contrario, los demás datos (títulos, profesiones y cargos de los participantes, tal como figuran en los poderes oficiales, y funciones ejercidas en la Conferencia) aparecen en la lengua utilizada por la Oficina Internacional del Trabajo para sus comunicaciones oficiales con el correspondiente Estado.

DÉLÉGATIONS

DELEGATIONS (French alphabetical order)

DELEGACIONES (Orden alfabético francés)

Les noms, titres et qualités figurant dans la liste des délégations correspondent aux indications fournies dans les pouvoirs officiels. Toute demande de rectification d'erreurs matérielles (*erreurs typographiques, fautes d'orthographe, etc.*) pourra être déposée au Bureau de renseignements pour qu'il en soit tenu compte dans l'édition révisée de la liste. Toute demande de modification, d'adjonction ou de suppression, etc., concernant les titres, qualités, fonctions ou statut à la Conférence indiqués dans la liste devra être adressée, sous forme de pouvoirs officiels signés par le ministre du Travail, le ministre des Affaires étrangères, le chef de la mission permanente à Genève ou le chef de la délégation du pays intéressé, au secrétariat de la Commission de vérification des pouvoirs (Palais des Nations, bureau A-660).

The names and designations appearing in the list of delegations are those given in the official credentials. Request for correction of material errors (*misprints, wrong spellings, etc.*) can be handed in at the Information Desk and will be taken into account in a revised edition of the list. Any requests for modifications, additions, deletions, etc., concerning the titles, positions, functions or Conference status indicated in the list must be addressed, in the form of official credentials signed by the Minister of Labour, the Minister of Foreign Affairs, the Head of the Permanent Mission in Geneva or the head of the delegation of the country concerned, to the secretariat of the Credentials Committee (Palais des Nations, office A-660).

Los nombres, títulos y cargos que figuran en la lista de delegaciones son los que constan en los poderes oficiales. Toda solicitud de rectificación de errores de carácter material (*tipográficos, ortográficos, etc.*) deberá presentarse en la Oficina de Informaciones, para poder tenerla en cuenta en la edición revisada de la lista. Las solicitudes de modificación, adición, supresión, etc., de los títulos, profesiones, cargos o funciones en la Conferencia que figuren en la lista deberán dirigirse, en forma de poderes oficiales firmados por el Ministro del Trabajo, el Ministro de Relaciones Exteriores, el jefe de la Misión permanente en Ginebra o el jefe de la delegación del país interesado, a la secretaría de la Comisión de Verificación de Poderes (Palais des Nations, despacho A-660).



Algérie Algeria Argelia

Délégués gouvernementaux

- DEMBRI, Mohamed Salah, M., Ambassadeur,
Représentant permanent, Mission permanente à
Genève.
- BOUTALEB, Abdelaziz, M., Chef de Cabinet, Ministère
du Travail, de la Protection sociale et de la Formation
professionnelle.

Conseillers techniques et délégués suppléants

- MESSAOUI, Mahiddine, M., Ministre plénipotentiaire,
Mission permanente à Genève.
- BELHOCINE, Mohamed Said, M., Inspecteur général,
Ministère du Travail, de la Protection sociale et de la
Formation professionnelle.

Conseillers techniques

- MAHELDIN, Massaoui, M., Ministre plénipotentiaire,
Conseiller, Mission permanente à Genève.
- BENDAOU, Abdelhamid, M., Conseiller, Mission
Permanente à Genève
- SLIMANI, Bachir, M., Inspecteur général, Ministère des
Transports.
- MRAÏN, Mohamed, M., Chef du Bureau Gens de mer,
Ministère des Transports.

Délégué des employeurs

- BENRAMOUL, Mohamed Anisse, M., Directeur,
Administration générale, Société nationale des
Transports maritimes des Hydrocarbures,
SNTM/HYPROC.

Conseiller technique et délégué suppléant

- KENDOUCI, Abdelkader, M., Directeur des Ressources
humaines, SNTM/HYPROC.

Conseillers techniques

- RAMI, Tahar, M., Sous-directeur du Personnel,
Compagnie Nationale Algérienne de Navigation,
(CNAN).
- HAMMOUTENE, Fadhila, Mme, Assistante du Directeur
général, Chargée des affaires juridiques, Entreprise
nationale de Transport maritime des Voyageurs.

Délégué des travailleurs

- TERKMANE, Braham, M., Secrétaire général, Syndicat
des Marins, SNTM/CNAN.

Conseiller technique et délégué suppléant

- SELLAMI, Khaled, M., Conseil syndical,
SNTM/HYPROC - UGTA.

Conseiller technique

- TAYEBI, Abdelaziz, M., Membre, Syndicat des Marins,
ENTMV.

Allemagne Germany Alemania

Government Delegates

- MAASSEN, Hans Joachim, Mr., Head, International
Social Policy (outside the EU) Subdivision, Federal
Ministry for Labour and Social Affairs; Substitute
Government Representative, Governing Body of the
ILO.
- LEMMER, Andreas, Mr., ILO and United Nations Section,
Federal Ministry for Labour and Social Affairs.

Advisers and substitute delegates

- RINGKAMP, Werner, Mr., Permanent Mission, Geneva.
- SCHIMMING, Stefan, Mr., Permanent Mission, Geneva.

Advisers

- ENGELAND, Jens, Mr., Head, Maritime Law, Ships'
Crews and Seafarers' Training and Social Affairs
Section, Federal Ministry of Transport.
- HORNEFFER, Kaspar, Mr., Head, Special Occupational
Health and Safety Issues Section, Federal Ministry for
Labour and Social Affairs.
- ROGGENDORFF, Peter, Mr., International Labour Law
and Protection of Workers' Remuneration Section,
Federal Ministry for Labour and Social Affairs.

Employers' Delegate

- LINDEMANN, Dierk, Mr., Chairman, German
Shipowners' Association.

Advisers

- BREUER, Henry, Mr., German Shipowners' Association.
- KÖSTER, Klaus, Mr., German Shipowners' Association

Workers' Delegates

- BENZE, Dieter, Mr., Trade Union Secretary, Director,
Maritime Shipping Department, Transport and
Communications Workers' Union (ÖTV,
Headquarters).

Advisers

BAHN, Andreas, Mr., Trade Union Secretary, Director, Maritime Shipping Department, (ÖTV, Northern Region).
MÜLLER, Frank, Mr., Occupational Group Manager, German Union of Salaried Employees (DAG).
SCHMELING, Harald, Mr., Union Secretary, (ÖTV Foreign Office, Rotterdam).

Angola Angola Angola

Délégués gouvernementaux

NGOVE LUSSOKE, David, M., Chef, Département de la Sécurité et de l'Hygiène du Travail, Ministère de l'Administration publique, de l'Emploi et de la Sécurité sociale.
CRISTOVÃO NETO, Diogo, M., Expert du Cabinet des Relations internationales, Ministère de l'Administration publique, de l'Emploi et de la Sécurité sociale.

Conseiller technique

M'BIZI M'BUNGA, M., Chef, Section des Normes, Direction nationale de la Marine marchande et des Ports du Ministère des Transports et des Communications.

Délégué des employeurs

LOBO DO NASCIMENTO, Osvaldo, M., Directeur général, ANGONAVE.

Conseillers techniques

CASIMIRO M'PITO, Francisco Sales, M., Directeur du Cabinet juridique, ANGONAVE.
DOMINGOS, Feliciano Diogo, M., Chef, Département du Personnel de Mer, ANGONAVE.
DOS REIS GOURGEL DOS SANTOS, José Filomena, M., Directeur, Ressources humaines de Secil Marítima.
BAPTISTA SARAIVA, Luís Henriques, M., Président, Association des Agents de Navigation et Transitaires, (ANTA).
BASTOS DE MOURA, Abílio Helder, M., Vice-président, ANTA.

Délégué des travailleurs

ANDRÉ, Simão, M., Secrétaire général, Syndicat des Travailleurs des Transports et des Communications.

Conseillers techniques

WUTA, Sebastião, M., Conseiller juridique, Syndicat des Travailleurs des Transports et des Communications.

CABRAL, João Luís C, M., Membre, Syndicat des Travailleurs des Transports et des Communications.

Argentine Argentina Argentina

Delegados gubernamentales

BENITEZ, Manuel Julio, Sr., Ministro Plenipotenciario, Representante Permanente Adjunto. Mision Permanente en Ginebra.
TOSONOTTI, Maria Cristina, Srta., Secretario de Embajada, Mision Permanente en Ginebra.

Delegado de los empleadores

CABRAL, Guillermo Marcelo, Sr.

Consejero técnico y delegado suplente

BARBER SOLER, Patricio, Sr.

Consejeros técnicos

MOGUILNER, Juan J., Sr.
CRUZ, Ernesto, Sr., Cámara Navie a Argentina.

Delegado de los trabajadores

VENTURINI, Enrique, Sr.

Consejero técnico y delegado suplente

SUAREZ, Enrique Omar, Sr.

Consejeros técnicos

PUCCI, Juan C., Sr.
MORATO, Mario, Sr.
TOMADA, Carlos, Sr.
CASTRO, Marcos, Sr.
HODARA, Enrique Moisés, Sr.

Australie Australia Australia

Government Delegates

HOLMES, David, Mr., Director, Maritime Personnel and Administration, Department of Transport and Regional Development.
BLOWER, Christopher, Mr., Corporate Secretary, Maritime Safety Authority.

Employers' Delegate

PAYNE, Lachlan, Mr., Chief Executive Officer,
Australian Shipowners Association.

Workers' Delegate

ROSS, Frederick, Mr., Director, Maritime Policy,
Australian Maritime Officers Union.

Bangladesh

Government Delegates

HASHIM, Anwar, Mr., Ambassador, Permanent
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ISLAM, Shahidul, Mr., First Secretary, Permanent
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Advisers

ISLAM, Rafiqul, Mr., Permanent Mission, Geneva.
KAMAL KHAN, Asgar, Mr., Permanent Mission, Geneva.

Belgique Belgium B lgica

D l gu s gouvernementaux

LANNON, Guido, M., Commissaire maritime en Chef,
Minist re des Communications.
VAN DEN HEULE, Roger, M., Conciliateur social,
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Conseiller technique et d l gu  suppl ant

WILLEMS, Lode, M., Ambassadeur, Repr sentant
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Conseillers techniques

CLOESEN, Joseph, M., Conseiller adjoint, Service des
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Travail.
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MUYLLE, Geert, M., Premier Secr taire, Mission
permanente   Gen ve.
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D l gu  des travailleurs

STUER, M., Secr taire national, Centrale chr tienne des
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Conf d ration des Syndicats chr tiens (C.S.C.).

Conseiller technique et d l gu  suppl ant

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Br sil Brazil Brasil

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Advisers and substitute delegates

NUNES DE SOUYA, Luiz Francisco, Mr., Counsellor,
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COELHO DE SOUYA, Leonardo, Mr., Third Secretary,
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Workers' Delegate

MONTEIRO SANT'ANNA, Mauricio, Mr., President,
National Confederation of Workers in Maritime, Aerial
and River Transport (CONTTMAF),

Advisers and substitute delegates

SOUSA DE FIGUEIREDO, Naaman, Mr., Vice President,
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GOULART PONZI, Ricardo Leite, Mr., General
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Bulgarie Bulgaria Bulgaria

Government Delegates

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Advisers and substitute delegates

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PETROV, Gueorgui, Mr., Department Manager, Maritime
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Advisers

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PIPERKOV, Ivan, Mr., Counsellor, Permanent Mission, Geneva.
PAVLOV, Borislav, Mr., Head, ILO Sector, International Relations Department, Ministry of Labour and Social Affairs.

Employers' Delegate

MELKONIAN, Margarita, Mrs., Head Jurisconsult, Port of Bourgas, Bulgarian Chamber of Commerce and Industry.

Workers' Delegate

RADEV, Dianko, Mr., Ferryboat Navigation Branch, Maritime Navigation-4, Podkrepa, Confederation of Labour.

Adviser and substitute delegate

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Canada

Government Delegates Délégues gouvernementaux

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Employers' Delegate Délégué des employeurs

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Workers' Delegate Délégué des travailleurs

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Adviser and substitute delegate Conseiller technique et délégué suppléant

FUCHS, John, Mr., Executive Director, Council of Maritime Affairs.

Chili Chile Chile

Delegados gubernamentales

FERES NAZARALA, María Ester, Sra., Directora del Trabajo.
CABRERA GAETE, Pablo, Sr., Subsecretario de Marina.

Consejeros técnicos y delegados suplentes

SANCHEZ RODRIGUEZ, Armando, Sr., Jefe, Departamento Jurídico, Subsecretaría de Marina.
GENSKOWSKY MOGGIA, Maximiliano, Sr., Auditor, Dirección General del Territorio Marítimo y de Marina Mercante.
ALLES ARRIAGADA, Federico, Sr., Abogado Asesor, Subsecretaría del Trabajo.

Consejeros técnicos

SANHUEZA MUÑOZ, Eduardo, Sr., Director Regional del Trabajo de la XIIa. Región de Magallanes y Antártica.
RIVAS GOMEZ, Francisco, Sr., Agregado Laboral, Misión Permanente en Ginebra.
CAPDEVILA, José Miguel, Sr., Segundo Secretario, Misión Permanente en Ginebra.

Delegado de los empleadores

CATALAN GONZALEZ, José, Sr., Conferencia de la Producción y del Comercio y la Asociación Nacional de Armadores.

Consejero técnico y delegado suplente

MORALES VILLAMOR, Hernán, Sr., Confederación de la Producción y del Comercio y la Asociación Nacional de Armadores.

Delegado de los trabajadores

ALARCON GOMEZ, Luis Roberto, Sr., Central Unitaria de Trabajadores (CUT).

Consejeros técnicos y delegados suplentes

- ASTORGA LOBOS, Water Fernando, Sr., Confederación de Sindicatos Marítimos, Portuarios y Gente de Mar (CONGEMAR).
- DIAZ GUEVARA, Luis Armando, Sr., Confederación Marítima de Chile (COMACH), Federación Marítima Portuaria (FEMACH) y la Central Unitaria de Trabajadores (CUT).

Consejeros técnicos

- KIMER VASCONCELLO, Samuel, Sr., Confederación de Trabajadores Portuarios y Estibadores de Chile (COTRAPORCHI) y la Central Unitaria de Trabajadores (CUT).
- SILVA BERON, Jorge Norberto, Sr., Sindicato de Trabajadores Marítimo Portuario (SITRAMAPORT), Comando de Defensa del Sector Marítimo Portuario Eventual de Iquique y Gente de Mar (CONGEMAR) y la Central Unitaria de Trabajadores (CUT).

Chine China China

Government Delegates

- ZHU, Jiazhen, Mr., Vice Minister of Labour.
- WU, Jianmin, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers and substitute delegates

- ZHANG, Wei, Mr., Counsellor of Labour, Permanent Mission, Geneva.
- FAN, Qihua, Mr., Deputy Director, Department of Personnel and Labour, Ministry of Communications.

Advisers

- LIN, Maizhu, Mr., Deputy Director, Department of International Cooperation, Ministry of Labour.
- TANG, Guomei, Ms., Division Chief, Department of Foreign Affairs, Ministry of Communications.
- FEI, Chun, Mr., Deputy Division Chief, Department of Personnel and Labour, Ministry of Communications.
- GUAN, Jinghe, Ms., Deputy Division Chief, Department of International Cooperation, Ministry of Labour.
- NING, Yu, Mr., Deputy Division Chief, General Office, Ministry of Labour.
- ZHANG, Xiaojie, Mr., Deputy Division Chief, Department of Foreign Affairs, Ministry of Communications.
- SUN, Fu, Mr., Assistant Researcher, Department of Personnel and Labour, Ministry of Communications.
- XU, Baoli, Mr., Official, Department of Personnel and Labour, Ministry of Communications.
- LI, Mingfu, Mr., Third Secretary, Permanent Mission, Geneva.

Employers' Delegates

- SHEN, Zhaoqi, Mr., Vice President, China Ocean Shipping Companies Group.

Adviser and substitute delegate

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Advisers

- SHU, Kaibao, Mr., Official, China Shipowners' Association.
- LI, Shanmin, Mr., General Manager, COSCO Manning Company.

Workers' Delegates

- ZHANG, Shihui, Mr., Chairman, Seamen's Trade Union.

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- LI, Hanquan, Mr., Deputy Director-General, International Department, All China Federation of Trade Unions.

Advisers

- WANG, Yimou, Mr., Vice Chairman, Seamen's Trade Union of China.
- ZHU, Linqing, Mr., Division Chief, Seamen's Trade Union of China.

Chypre Cyprus Chipre

Minister attending the Conference

- MOUSHOUTAS, Andreas, Mr., Minister of Labour and Social Insurance.

Government Delegates

- ZACKHEOS, Soterios, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
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Advisers

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ANTONIOU, Michael, Mr., Industrial Relations Officer, Employers and Industrialists Federation.

Workers' Delegates

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Adviser and substitute delegate

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Colombie Colombia Colombia

Government Delegates

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Congo

Ministre assistant à la Conférence

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Délégué gouvernemental

MALONGA, Cyriaque, M., Directeur, Réglementation du travail.

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MAYINGA, Pierre, M., Directeur, Port de Pointe-Noire.

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Délégué des employeurs

FUMEY, Jacques, M., Secrétaire général, UNICONGO.

Délégué des travailleurs

DIBAMBA, Roger, M., Confédération générale, Cadres et Agents de Maîtrise, CGCAM.

République de Corée Republic of Korea República de Corea

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CHO, Dong Oh, Mr., Research Fellow, Safety and Environment Division, Korea Maritime Institute.

Employers' Delegate

PARK, Chan Jae, Mr., General Manager, Marine Department, Korea Shipowners' Association.

Workers' Delegate

KIM, Su Jo, Mr., Director, Planning and Coordination Bureau, Federation of Korean Seafarers' Unions.

Costa Rica

Delegados gubernamentales

DENGO, Manuel B., Sr., Embajador, Representante Permanente en Ginebra.

ALVAREZ SALAZAR, Joaquin, Sr., Ministro Consejero, Misión Permanente en Ginebra.

Croatie Croatia Croacia

Government Delegates

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Advisers and substitute delegates

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Employers' Delegate

KRAGIC, Petar, Mr., Croatian Association of Employers.

Adviser and substitute delegate

POSPISIC-MILER, Marija, Ms., Croatian Association of Employers.

Workers' Delegate

BRAZZODURO, Predrag, Mr., Seafarers' and Dockers' Union.

Adviser and substitute delegate

BERLAN, Branko, Mr., Seafarers' and Dockers' Union.

Cuba

Delegados gubernamentales

CABALLERO RODRIGUEZ, Eumelio, Sr., Embajador, Representante Permanente en Ginebra.

REYES RUIZ, Orestes A., Sr., Director, Asuntos Jurídicos y Laborales del Ministerio de Transporte.

Consejeros técnicos y delegados suplentes

GUILLEN LANDRIAN, Francisco, Sr., Especialista Principal, Dirección Jurídica y de Relaciones Internacionales, Ministerio de Trabajo y Seguridad Social.

DELGADO GONZALEZ, Adrián, Sr., Primer Secretario, Misión Permanente en Ginebra.

HERNANDEZ QUESADA, Aymée, Sra., Tercer Secretario, Misión Permanente en Ginebra.

Delegado de los empleadores

ALFONSO DOMINGUEZ, Genovevo D., Sr., Director, Agencia Empleadora Marítima del Caribe. Miembro del Grupo de Empleadores Cubanos.

Consejero técnico y delegado suplente

COLL RODRIGUEZ, Justo, Sr., Director, Asociación PESPORT, Miembro del Grupo de Empleadores Cubanos.

Delegado de los trabajadores

JUSTO VILLAMIL, José, Sr., Secretario General, Sindicato Nacional de Trabajadores de la Marina Mercante, Puerto y Pesca.

Danemark Denmark Dinamarca

Government Delegates

SOLLING OLSEN, Birgit, Ms., Head of Secretariat, Danish Maritime Authority.

VESTERGAARD, Egil, Mr., Head of Division, Danish Maritime Authority.

Advisers

ULSTRUP, Arne, Mr., Head of Division, Danish Maritime Authority.

BAUCHY, Philippe, Mr., Special Adviser, Danish Maritime Authority.

LOJE HANSEN, Jorgen, Mr., Head of Section, Danish Maritime Authority.

HJERMITSLEV, Eva, Ms., Head of Section, Ministry for Trade and Industry.
HOLM, Povl, Mr., Special Adviser, Ministry of Labour.
KIERULF, John, Mr., Embassy Secretary, Permanent Mission, Geneva.

Employers' Delegate

SPRINGBORG, H.C., Mr., Vice-Director, Danish Shipowners' Association.

Adviser and substitute delegate

WENGEL-NIELSEN, Michael, Mr., Head of Division, Danish Shipowners' Association.

Advisers

SORENSEN, Gunnar, Mr., Director, Danish Association of Shipowners of 1895.
GULDBRANDSEN, John, Mr., Confidential Clerk, Danish Shipowners' Association.

Workers' Delegate

FUNCH, Peter, Mr., Head of Secretariat, Danish Association of Navigators.

Adviser and substitute delegate

BERLAU, Henrik, Mr., Administrative Manager, Danish Union of Semi-skilled Workers.

Advisers

DOLLERIS, Leif, Mr., President, Danish Association of Engineer Officers.
HILSTROM, Niels Jorgen, Mr., President, Danish Union of Metalworkers.
DITLEVSEN, Annette, Ms., President, Danish Association of Maritime Restaurants.
CHRISTENSEN, Gert, Mr., Secretary, Danish Seamen's Union Division.
SORENSEN, Soren, Mr., Secretary, Danish Seamen's Union Division.
GRAM, Anders, Mr., Financial Manager, Danish Association of Navigators.

Egypte Egypt Egipto

Government Delegates

ZAHRAN, Mounir, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva
SHAHIN, Magda, Mrs., Minister Plenipotentiary, Permanent Mission, Geneva

Advisers

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BEBARS, Reda, Mr., Counsellor, Permanent Mission, Geneva.
AMIN, Islah, Ms., Labour Counsellor, Permanent Mission, Geneva.
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MOSTAFA, Hassan Abdel Moneim, Mr., Second Secretary, Permanent Mission, Geneva.

Employers' Delegate

AMAR, Nabil Abd El Kader, Mr., Undersecretary of Administrative Development, Holding Company for Maritime Transport.

Adviser

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Workers' Delegate

ELSOBIHY, Adel, Mr., President, General Trade Union, Maritime Transport Workers.

Adviser

HASSAN, Hassan Ahmed, Mr., Adviser, General Trade Union of Maritime Transport Workers.

Equateur Ecuador Ecuador

Delegado de los empleadores

APOLO, José Modesto, Sr., Director, Federacion de Camaras de Industrias del Ecuador.

Espagne Spain España

Delegados gubernamentales

PEREZ-HERNANDEZ, Raimundo, Sr., Embajador, Representante Permanente, Misión Permanente en Ginebra.
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Consejeros técnicos y delegados suplentes

DE SEGOVIA, Luis Fernando, Sr., Representante
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Consejeros técnicos

SANCHEZ, Julio, Sr., Secretario General Técnico,
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MATEO CARRASCO, Rafael, Sr., Director General del
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Delegado de los empleadores

SANCHEZ, Fernando, Sr., Director, Recursos Humanos,
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Consejero técnico y delegado suplente

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Consejeros técnicos

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Delegado de los trabajadores

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Consejero técnico y delegado suplente

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Consejeros técnicos

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ABOY, Xavier, Sr., Secretario General, CIG-MAR.
AZKUE, Jon, Sr., FETCOMAR - CC.OO.
GONZALEZ-PRIDA, José Ramón, Sr., FETCOMAR -
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CUESTA, Jesús, Sr., FETCOMAR - CC.OO.

Estonie Estonia Estonia

Government Delegates

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Employers' Delegate

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Workers' Delegate

MULTANEN, Tarmo, Mr., Secretary, Seafarers Section,
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Etats-Unis United States Estados Unidos

Government Delegates

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Adviser and substitute delegate

STIGLIANI, Nicholas, Mr., Labour Attaché, Permanent
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Adviser

SPRING, Charles, Mr., Director, Office of International
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Other persons attending the Conference

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House Economics and Educational Committee, United
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VISSCHER, Gary, Mr., Professional Majority Staff
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Employers' Delegate

COX, Joseph, Mr., Vice President, Chamber of Shipping.

Adviser and substitute delegate

LOREE, Philip J., Mr., Chairman, Maritime Transport Committee, Business and Industry Advisory Committee to the OECD.

Workers' Delegate

FAY, John, Mr., Secretary-Treasurer, Seafarers International Union.

Adviser and substitute delegate

BERGER, Rich, Mr., Director, Research and Development, District No. 4, NMU/MEBA.

Ethiopie Ethiopia Etiópía

Government Delegate

ALEMU GETAHUN, Minelik, Mr., Second Secretary, Permanent Mission, Geneva.

Finlande Finland Finlandia

Government Delegates

LONKA, Esa, Mr., Government Counsellor, Ministry of Labour.

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Advisers and substitute delegates

HALME, Harri, Mr., Chief Engineer, Ministry of Labour.

RAIVIO, Tuuli, Ms., Secretary for International Affairs, Ministry of Labour.

Employers' Delegate

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Adviser and substitute delegate

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Adviser

AHLSTRÖM, Hans, Mr., Managing Director, Aland's Shipowners' Association.

Workers' Delegate

NELIN, Per-Erik, Mr., President, Finnish Seamen's Union.

Adviser and substitute delegate

GYLLENBERG, Bo, Mr., Captain, Finnish Ship's Officers' Union.

Advisers

LÄHDESMÄKI-JOHANSSON, Ritva, Ms., Labour Relation Officer, Finnish Engineer Association.

UKKONEN, Erkki, Mr., Union Secretary, Finnish Seamen's Union.

LAGERBERG, Henrik, Mr., Port Agent, Finnish Seamen's Union.

NYLUND, Sven-Erik, Mr., Organization Secretary, Finnish Ship's Officers' Union.

France France Francia

Délégués gouvernementaux

SERRADJI, Christian, M., Directeur des Gens de Mer et de l'Administration Générale, Ministère de l'Équipement, du Logement, des Transports et du Tourisme.

GASC, Gérard, M., Sous-Directeur des Gens de Mer, Ministère de l'Équipement, du Logement, des Transports et du Tourisme.

Conseillers techniques et délégués suppléants

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Conseillers techniques

CARTIER, Jean-Louis, M., Sous-Directeur, Chef de la Mission internationale, Ministère du Travail et des Affaires sociales.

DOPPIA, Dominique, M., Chef, Bureau du Travail et de l'Emploi Maritimes, Sous-Direction des Gens de Mer, Ministère de l'Équipement, du Logement, des Transports et du Tourisme.

FAUVEAU, Gérard, M., Conseiller des Affaires étrangères, Mission permanente à Genève.

MARQUER, Michel, M., Chef, Centre de Sécurité des navires du Finistère Nord, Ministère de l'Équipement, du Logement, des Transports et du Tourisme.

MENUDIER, Pierre, M., Chef de Bureau, Etablissement national des Invalides de la Marine, Ministère de

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Délégué des employeurs

SULPICE, Guy, M., Directeur des Affaires sociales,
Comité Central des Armateurs de France.

Conseillers techniques

BERLET, Edouard, M., Délégué général, Comité Central
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BOURGAIN, Georges, M., Adjoint au Directeur
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DION, Marie-Christine, Mme, Chargée des Affaires
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METGE, Yves, M., Chargé de Mission, Comité Central
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STAUB, Richard, M., Capitaine d'Armement, DELMAS.

Délégué des travailleurs

LEGOUAS, Jean-Yves, M., Union Maritime - CFDT.

Conseillers techniques

ADALBERON, Daniel, M., Fédération FO de
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LE PORT, Jean-Pierre, M., Union Maritime - CFDT.
NARELLI, Charles, M., Fédération nationale des
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VERRIEUX, Raymond, M., Syndicat national de cadre
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Gabon

Délégués gouvernementaux

NDONG-MVIE, Eugène, M., Directeur général du Travail.
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Conseillers techniques et délégués suppléants

MBA ALLO, Emmanuel, M., Ambassadeur, Représentant
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Grèce Greece Grecia

Government Delegates

PAPAKONSTANDINOU, Theodosios, Mr., Head of
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Advisers and substitute delegates

BOUBOPOULOS, George, Mr.
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Employers' Delegate

KOLTSIDPOULOS, George, Mr.

Workers' Delegate

HALAS, John, Mr.

Advisers and substitute delegates

TSOURAS, John, Mr.
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MAOUNIS, Antonis, Mr.
STAMATOPOULOS, Athanassios, Mr.
TSELENTIS, G. Agapios, Mr.

Haiti

Délégués gouvernementaux

ANTONIO, Joseph Philippe, M., Ambassadeur,
Représentant permanent, Mission Permanente à
Genève.
GASPARD, Fritzner, M., Conseiller, Mission permanente
à Genève.

Honduras

Delegados gubernamentales

LÓPEZ LUNA, Arturo, Sr., Embajador, Representante
Permanente en Ginebra
BU FIGUEROA, Gracibel, Sra., Consejero, Misión
Permanente en Ginebra.

Inde India India

Government Delegates

PINTO, M.P., Mr., Director General (Shipping), Ministry of Surface Transport.

SHAHARE, Rajeev, Mr., First Secretary, Permanent Mission, Geneva.

Employers' Delegate

GHILDIYAL, B.M., Mr., Director, Shipping Corporation.

Adviser and substitute delegate

PARDIWALA, N.E., Mr., Great Eastern Shipping Company Ltd.

Workers' Delegate

BARNES, Leo, Mr., Representative, NUSI Mumbai.

Indonésie Indonesia Indonesia

Government Delegates

SIMANJUNTAK, Payaman J., Mr., Senior Adviser to the Minister of Manpower.

SIANTURI, Mr., Director, Working Requirements Division, Department of Manpower.

Advisers and substitute delegates

TARMIDZI, Agus, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

SYAHRUDDIN, Saodah B.A, Mrs., Ambassador, Deputy Permanent Representative, Permanent Mission, Geneva.

Advisers

WIDODO, Makmur, Mr., Minister Counsellor, Permanent Mission, Geneva.

SAHID, Mr., Head of Division, Directorate of Shipping Department of Transportation.

MOEHARIO, Dienne H., Ms., First Secretary, Permanent Mission, Geneva.

KADARISMAN, Sayoga, Mr., Third Secretary, Permanent Mission, Geneva.

TAHAR, Reshanty, Ms., Third Secretary, Permanent Mission, Geneva.

Employers' Delegate

SARAGIH, Barens T., Mr., Secretary General, Central Management of the Indonesian National Shipowners Association.

Workers' Delegate

NADLAR, Azwar, Mr., Chairman, Central Management of the Indonesian Seafarers' Union.

Advisers

HARYANTHO, Jen G., Mr., Vice-Chairman, Central Management of the Indonesian Seafarers' Union.

RUSTANDI, Hanafi, Mr., Vice-Chairman, Central Management of the Indonesian Seafarers' Union.

République islamique d'Iran Islamic Republic of Iran República Islámica del Irán

Government Delegates

ZIARAN, Bozorgmehr, Mr., Ambassador, Deputy Permanent Representative, Permanent Mission, Geneva.

GHADERI, Mohammad-Reza, Mr., Director-General, Maritime Affairs, Ports and Shipping Organization.

Advisers and substitute delegates

FANNIZADEH, Kamran, Mr., Counsellor for Labour and Social Affairs, Representative of the Ministry of Labour and Social Affairs.

MOEINI, Hossein, Mr., Second Secretary, Permanent Mission, Geneva.

Adviser

AA'RABI, Houman, Mr., Legal Adviser, Ports and Shipping Organization.

Employers' Delegate

KIANI, Gholam Reza, Mr., Administration Director, Islamic Republic of Iran Shipping Lines.

Adviser and substitute delegate

KESHAVARZ, Jalal, Mr., General Manager of Fleet Personnel, Islamic Republic of Iran Shipping Lines.

Workers' Delegate

MIR, Es'hagh Ali, Mr., Engineering Officer,
Representative of the Seafarers, Islamic Republic of
Iran Shipping Lines.

Iraq

Government Delegates

SAID, Ali, Mr., General Director of Labour and Social
Insurance, Ministry of Labour and Social Affairs.
AL-KHERO, Khalid S., Mr., First Secretary, Permanent
Mission, Geneva.

Employers' Delegate

HRAQ, Najib Saman B., Mr.

Workers' Delegate

GAREEB, Fadel Mahmoud, Mr.

Irlande Ireland Irlanda

Government Delegates

O MUIRCHEARTAIGH, Fionán, Mr., Former Secretary,
Department of the Marine.
KELLY, James, Mr., Chief Surveyor, Department of the
Marine.

Adviser and substitute delegate

DENHAM, Donal, Mr., Deputy Permanent Representative,
Permanent Mission, Geneva.

Advisers

DRURY, Patrick, Mr., Executive Officer, Permanent
Mission, Geneva.
TISDALL, Brian, Mr., Permanent Mission, Geneva.

Employers' Delegate

MCAULEY, Dan, Mr., Irish Business and Employers'
Confederation.

Adviser and substitute delegate

MCGINTY, Brendan, Mr., Irish Business and Employers'
Confederation.

Workers' Delegate

CULLEN, Christy, Mr., Irish Congress of Trade Unions.

Islande Iceland Islandia

Government Delegates

THORGEIRSSON, Jósef H, Mr., Ministry of Transport,
Telecommunications and Tourism.
GUNNARSSON, Gunnar Snorri, Mr., Ambassador,
Permanent Representative, Permanent Mission,
Geneva.

Advisers and substitute delegates

ÓLAFSSON, Haukur, Mr., Deputy Permanent
Representative, Permanent Mission, Geneva.
HELGASON, Guómundur Björgvin, Mr., First Secretary,
Permanent Mission, Geneva.

Employers' Delegate

MAGNÚSSON, Jón, Mr., Attorney of Law, Confederation
of Icelandic Employers.

Workers' Delegate

KJAERNESTED, Borgthór, Mr., Officer of the Seamen's
Union of Reykjavik.

Israel

Government Delegates

HAZAN, Joseph, Mr., Director, Administration of
Shipping and Ports, Ministry of Transport.
KOREN, Gary, Mr., Counsellor, Permanent Mission,
Geneva.

Employers' Delegate

DISKIN, Motti, Mr., Manager, Italy District, ZIM Israel
Navigation Co. Ltd.

Workers' Delegate

HAVER, Mordi, Mr., Secretary, Israel Sea Officers Union
(Histadrut).

Italie Italy Italia

Délégués gouvernementaux

GIURGOLA, Giuseppe, M., Directeur général du Travail maritime et portuaire, Ministère des Transports et de la Navigation.

FINAMORE, Angela, Mme, Directeur administratif, Ministère des Transports et de la Navigation.

Conseiller technique et délégué suppléant

MODOLA VENUTI, Franca, Mme, Ministère des Transports et de la Navigation.

Conseillers techniques

MOLTONI, Stefania, Mme, Ministère des Transports et de la Navigation.

CATANESE, Angela, Mme, Ministère des Transports et de la Navigation.

ALATI, Giuseppe, M., Ministère des Transports et de la Navigation.

POLSINELLI, Franca Maria, Mme, Ministère du Travail.

SCHIAVONI, G., M., Premier conseiller, Mission permanente à Genève.

Délégué des employeurs

RAVERA, Giuseppe, M., Federazione italiana Armamento di Linea.

Conseillers techniques

AGLIETA, Roberto, M., Confederazione italiana Armatori.

CIRNIGLIARO, Fabrizio, M.

Délégué des travailleurs

SOMMARIVA, Mario, M., FIT-CGIL.

Conseillers techniques

DI FIORE, REMO, M., FIT-CISL.

CARONIA, Giuseppe, M., UIL.

Japon Japan Japon

Government Delegates

KANAMARU, Junichi, Mr., Director General, Seafarers Department, Maritime Technology and Safety Bureau, Ministry of Transport.

MINE, Yoshiki, Mr., Minister, Permanent Mission, Geneva.

Adviser and substitute delegate

KOEZUKA, Takashi, Mr., Minister, Permanent Mission, Geneva.

Advisers

SAITO, Takao, Mr., Director, Labour Standards Division, Seafarers Department, Maritime Technology and Safety Bureau, Ministry of Transport.

TSUNEKAWA, Kenji, Mr., Counsellor, Permanent Mission, Geneva.

TSUNAKI, Masatoshi, Mr., Counsellor, Permanent Mission, Geneva.

SATO, Naoyuki, Mr., Senior Coordinator, Seafarers Department, Maritime Technology and Safety Bureau, Ministry of Transport.

HAYASHI, Hajime, Mr., First Secretary, Permanent Mission, Geneva.

TAKAHASHI, Hiroshi, Mr., First Secretary, Permanent Mission, Geneva.

KAWATA, Morihiro, Mr., First Secretary, Permanent Mission, Geneva.

WAKABAYASHI, Hirofumi, Mr., Deputy Director, Specialized Agencies' Administration Division, Multilateral Cooperation Department, Foreign Policy Bureau.

Employers' Delegate

MASUDA, Nobuo, Mr., Director General, Japanese Shipowners' Association.

Adviser and substitute delegate

MASUI, Yoshimi, Mr., Vice President, Japan Federation of Coastal Shipping Associations.

Advisers

ISHIZUKA, Toru, Mr., Managing Director, Kawasaki Kisen Kaisha, Ltd.

TOYODA, Koji, Mr., Director, Nippon Yusen Kabushiki Kaisha (NYK Line)

AKATSUKA, Koichi, Mr., Managing Director, Japanese Shipowners' Association.

MASUDA, Megumi, Mr., Manager, Marine Division, Japanese Shipowners' Association.

HOSAKA, Hitoshi, Mr., Deputy Manager, Marine Department, Marine Division, Japanese Shipowners' Association.

ATSUMI, Mikisaburo, Mr., General Manager, Marine Division, Japan Federation of Coastal Shipping Associations.

TAKAHASHI, Mikiharu, Mr., Executive Managing Director, Japan Fisheries Association.

Workers' Delegate

NAKANISHI, Shosiro, Mr., President, All Japan Seamen's Union.

Advisers

IDEMOTO, Sakae, Mr., Secretary, International Seafarers Bureau, All Japan Seamen's Union.
OKUI, Toshio, Mr., Director, Planning and Research Department, All Japan Seamen's Union.
IIJIMA, Yuji, Mr., Director, International Affairs Department, All Japan Seamen's Union.
MIO, Masaru, Mr., Assistant Director, Safety and Welfare Department, All Japan Seamen's Union.
TAGUCHI, Masahiko, Mr., Assistant Director, International Affairs Department, All Japan Seamen's Union.
KAZAMA, Rika, Ms., Assistant Director, International Affairs Department, All Japan Seamen's Union.

Jordanie Jordan Jordania

Government Delegate

MASRI, Karim, Mr., Second Secretary, Permanent Mission, Geneva.

Kenya

Government Delegate

NGARE, Ephraim Waweru, Mr., Counsellor, Permanent Mission, Geneva.

Koweït Kuwait Kuwait

Government Delegates

ABDUL-RAZZAK RAZZOOQI, Dharar, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
ABDULLAH AL-ME'EDADI, Hamad, Mr., Assistant Undersecretary for Labour Affairs, Ministry of Social Affairs and Labour.

Advisers and substitute delegates

AL-MANSOOR, Mansoor A., Mr., Director, Legal Studies Department, Ministry of Social Affairs and Labour.
AL-SHEMMERI, Kadhim Hamad, Mr., Assistant Director, Al-Farwaniyya Governorate Labour Department, Ministry of Social Affairs and Labour.
HASSAN, Nader A., Mr., Assistant Director, Al-Ahmadi Governorate Labour Department, Ministry of Social Affairs and Labour.
AL SA'AD, Noori A., Mr., Assistant Director General for Planning and Development, Kuwait Ports Authority.

Employers' Delegate

BORABEE'AH, Abdullah H., Mr., Director, Navy Crew Affairs, Kuwait Oiler Company.

Workers' Delegate

AL-HAJERI, Hamad Sh., Mr., Vice-Chairman of Kuwait, Trade Union Federation.

Adviser

AL-HAJERI, Khalid A., Mr., Member of the Executive Board in Kuwait Trade Union Federation.

Liban Lebanon Líbano

Délégues gouvernementaux

GHORAYEB, William, M., Chef, Département du Travail et des Relations professionnelles.
SAAB, May, Mme, Chef, Section des Relations extérieures.

Conseiller technique

AOUN, Samir, M.

Délégué des employeurs

BEYDOUN, Rachid, M., Vice-président, Chambre de Commerce et d'Industrie.

Conseiller technique et délégué suppléant

BALBOUL, Fouad, M., Chambre de Commerce et d'Industrie.

Conseillers techniques

KANAAN, Fouad, M.
ALMOUSSAWI, Hassan, M.

Délégué des travailleurs

HOUMANI, Ali, M., Secrétaire général, Fédération des Syndicats des Travailleurs du Transport maritime.

Liberia

Government Delegates

KELLER, Joseph P., Mr., Adviser to the Commissioner, Bureau of Maritime Affairs.

ARKU, George M., Mr., Deputy Commissioner, Bureau of Maritime Affairs.

Advisers and substitute delegates

NIMELY, Thomas N., Mr., Member of Parliament; Chairman, Standing Committee on Forestry; Co-Chairman Standing Committee on Maritime Affairs.
JOHNSON, Charles J., Mr., Member of Parliament; Member, Standing Committee on Forestry and Standing Committee on Maritime Affairs.
BARCHUE, Lawrence D., Mr., Deputy Permanent Representative, IMO/INMARSAT.

Adviser

DENNIS, Leona L., Ms., Special Assistant, Bureau of Maritime Affairs.

Employers' Delegate

SMITH, Jeremy M.S., Mr., General Secretary, Liberian Shipowners' Council.

Workers' Delegate

HARRIS, Parkerson, Mr., President, Liberian Seamen's Union.

Jamahiriya arabe libyenne Libyan Arab Jamahiriya Jamahiriya Arabe Libia

Government Delegates

DERBI, Abdel Hafid, Mr., Assistant Secretary, General Committee for Manpower.
BENSHABAN, Taher, Mr., Permanent Mission, Geneva.

Advisers

MILAD IDRIS, Mohamed, Mr., Director, Cooperation Bureau, General Committee for Manpower.
MOHAMED, Faraj A., Mr., Chief, Employment Bureau for Nationals, General Committee for Manpower.
SHAKSHUKI, Mohamed A., Mr., General Department for International Organisations, People's General Committee for External Relations and International Cooperation.

Employers' Delegate

AL AHRASH, Said, Mr., Secretary, Administration Committee, National Shipping Company.

Workers' Delegate

EL DURSSI, Fawzi M., Mr., Secretary, General Federation of Ports.

Luxembourg Luxembourg Luxemburgo

Délégés gouvernementaux

ZAHLEN, Jean, M., Conseiller du Gouvernement 1ère classe, Ministère du Travail et de l'Emploi.
MOUSEL, Jean-Marie, M., Directeur de l'Administration de l'Emploi.

Conseillers techniques et délégués suppléants

GLODT, Marc, M., Commissaire du Gouvernement aux Affaires maritimes.
DUHR, Paul, M., Représentant permanent à Genève.

Conseillers techniques

FEYEREISEN, Marc, M., Directeur-adjoint, Inspection du Travail et des Mines.
SCHOLTUS, Mariette, Mlle, Conseiller, Direction adjoint, Inspection du Travail et des Mines.
FABER, Joseph, M., Conseiller, Direction adjoint, Ministère du Travail et de l'Emploi.
HOFFMANN, Jean, M., Conseiller économique 1ère classe, Administration de l'Emploi.
FISCH, Maryse, Mme, Attaché d'administration, Ministère du Travail et de l'Emploi.
HUESSEIN, Maggy, Mme, Attaché, Ministère des Transports.
WEBER, Alain, M., Attaché, Représentant permanent à Genève.

Délégué des employeurs

BEFFORT, Romain, M., Conseiller social, Fédération des Industriels luxembourgeois.

Conseiller technique et délégué suppléant

BERTRAND-SCHAUL, Christiane, Mme, Attaché, Fédération des Industriels luxembourgeois.

Conseiller technique

KILL, Jean-Paul, M., Expert.

Délégué des travailleurs

BAUSCH, Eugène, M., Chef, Département à l'OGB-L.

Conseiller technique et délégué suppléant

BLESER, René, M., Secrétaire général honoraire,
FNCTTFEL.

Conseillers techniques

WAGNER, Carlo, M., Vice-président d'honneur,
Fédération des Employés privés, Fédération
indépendante des Travailleurs et Cadres.
WANTZ, André, M., Secrétaire syndical à l'LCGB.

Malaisie Malaysia Malasia

Minister attending the Conference

KADIR, Dato' Abdul, Mr., Deputy Minister of Human
Resources.

Person accompanying the Minister

HARON, Siraj, Mr., Ambassador, Permanent
Representative, Permanent Mission, Geneva.

Government Delegates

ANUAR, Ab. Latif, Mr., Under Secretary, Ministry of
Human Resources.
ZAINAL, Noor Shahadan, Mr., Principal Assistant
Director, Department of Maritime, Ministry of
Transport.

Adviser and substitute delegate

TAN, Seng Sung, Mr., Deputy Permanent Representative,
Permanent Mission, Geneva.

Advisers

AZLAN, Mohd. Yusof, Mr., Counsellor (Labour Affairs),
Permanent Mission, Geneva.
DALJIT, Kaur, Ms., Assistant Secretary (International
Division), Ministry of Human Resources.
ROSTAM, A. Salleh, Mr., First Secretary, Permanent
Mission, Geneva.
NUSHIRWAN, Zainal Abidin, Mr., Second Secretary,
Permanent Mission, Geneva.

Employers' Delegate

NASARUDDIN, Ab. Ghani, Mr., Director, Management
Services, Malaysian International Shipping
Corporation Bhd.

Adviser and substitute delegate

AZMI, Ahmad, Mr., Manager, Human Resources
Development, Malaysian International Shipping
Corporation Bhd.

Workers' Delegate

BALA, Subramaniam, Mr., Secretary General, Union of
Employees in Port and Ancillary Services.

Malte Malta Malta

Government Delegates

VASSALLO, L.C., Mr., Executive Director, Merchant
Shipping, Registrar General of Shipping and Seamen,
Malta Maritime Authority.
PACE, Jonathan, Mr., Registrar of Ships, Merchant
Shipping Directorate, Malta Maritime Authority.

Advisers and substitute delegates

ZERAFA, Joseph, Mr., Technical Manager, Merchant
Shipping Directorate, Malta Maritime Authority
KERR, Charles, Mr., Principal Nautical School,
Department of Education.
AQUILINA, Jacqueline, Mrs., First Secretary, Permanent
Mission, Geneva.

Employers' Delegate

XERRI, Godwin, Mr., Managing Director, Sea Malta Co.
Ltd.

Adviser and substitute delegate

DINGLI, Kevin, Mr., President, Association of Malta
Shipowners.

Workers' Delegate

CALAMATTA, Jack, Mr., Secretary General, General
Workers' Union.

Advisers and substitute delegates

ZARB, Tony, Mr., Deputy Secretary General, General
Workers' Union.
BRIFFA, Charles, Mr., Representative, General Workers'
Union.

Maroc Morocco Marruecos

Délégues gouvernementaux

BENJELLOUN-TOUIMI, Nacer, M., Ambassadeur,
Représentant permanent, Mission permanente à
Genève.
ALLOUCH, Abdelkader, M., Secrétaire des Affaires
Etrangères.

Mexique Mexico México

Delegados gubernamentales

JOUBLANC, Luciano, Sr., Embajador, Representante
Permanente Alterno, Misión Permanente en Ginebra.
PAYNO Y SANCHEZ, Francisco David, Sr., Director de
Fomento y Desarrollo, Secretaría de Comunicaciones y
Transportes.

Consejeros técnicos y delegados suplentes

SOSA, Raúl, Sr., Secretaría de Trabajo y Previsión Social.
SOSA MARQUEZ, Lourdes, Sra., Tercer Secretario,
Misión Permanente en Ginebra.

Delegado de los empleadores

GONZALEZ SCHIAVON, Alfonso, Sr., Director
Corporativo de Recursos Humanos y Organización,
Transportación Marítima Mexicana.

Consejero técnico y delegado suplente

RODARTE CORDERO, Carlos, Sr., Subdirector de
Servicios y Apoyo al Personal, Transportación
Marítima Mexicana.

Delegado de los trabajadores

MARTINEZ RODRIGUEZ, Altura Victor Manuel, Sr.,
Secretario de Relaciones Exteriores del Sindicato
Nacional de Pilotos de Puerto.

Consejeros técnicos

ARELLANO REYES, Fausto, Sr., Asesor del Comité
Ejecutivo del Sindicato Nacional de Pilotos de Puerto.
RODRIGUEZ FRITZ, Alfredo Antonio, Sr., Asesor del
Comité Ejecutivo del Sindicato Nacional de Pilotos de
Puerto.

Mongolie Mongolia Mongolia

Government Delegates

YUMJAV, Shirchinjavyn, Mr., Ambassador, Permanent
Representative, Permanent Mission, Geneva.
GANBAATAR, D, Mr., First Secretary, Permanent
Mission, Geneva.

Namibie Namibia Namibia

Government Delegates

DAX, Urbanus B., Mr., Deputy Permanent Secretary,
Ministry of Labour.
KOTZE, Alwyn J., Mr., Control Labour Relations Officer,
Ministry of Labour.

Adviser and substitute delegate

SHAPWA, Lidwina N., Ms., Deputy Director, Ministry of
Works, Transport and Communication.

Employers' Delegate

SCHOEMAN, Johannes L., Mr., Personnel Manager,
Gendev Fishing Industry.

Workers' Delegate

ANGULA, Mervis S.C., Mr., Assistant General Secretary,
Food and Allied Workers' Union (NAFAU).

Nigeria

Minister attending the Conference

AHMED, Uba, Mr., Minister for Labour and Productivity.

Persons accompanying the Minister

KWAGA, Titsi, Mr., Special Assistant.
GALADIMA, A.J., Mr., Special Assistant.
YAWALE, M.I., Mr., Personal Assistant.

Government Delegates

RUMAH, Alhaji L.B, Mr., Director Administration,
National Maritime Authority.
HENRY, P.E., Mr., Director, Trade Union Services and
Industrial Relations, Federal Ministry of Labour and
Productivity.

Advisers

AIRIOHOUDION, S.I. Mr., Deputy Director, Federal Ministry of Labour and Productivity.
AHMAD, A.S. Mr., Labour Attaché, Permanent Mission, Geneva.
OLADEJI, B.I.D., Mr., Counsellor, Permanent Mission, Geneva.
OLADUNMOYE, B.A., Mr., Chief Maritime Officer, Federal Ministry of Transport.

Employers' Delegate

ALIYU, Mohammed, Mr., President, Nigerian Shipping Companies Associations

Advisers and substitute delegates

JONES, Adewale, Mr., Executive Secretary Shipping, Clearing and Forwarding Employers Association of Nigeria
LAWANI, F. Mr., Assistant General Manager, Industrial Relations and Welfare Services, Nigeria Ports PLC.

Workers' Delegate

UKAUMUNNA, Uzoiye, Mr., President General, Maritime Workers Union'.

Advisers

ABUBAKAR, Sabo, Mr., Deputy President General, Maritime Workers Union'.
EROJE, Abudu, Mr., National Organising Secretary, Maritime Workers Union'.
OGUNDIPE, J.T., Mr., National Trustee, Maritime Workers Union.

Norvège Norway Noruega

Government Delegates

KOBRO, Thomas, Mr., Head of Division, Ministry of Foreign Affairs.
FLATRUD, Arne, Mr., Deputy Director General, Norwegian Maritime Directorate.

Advisers and substitute delegates

BRUAAS, Odd, Mr., Adviser, Ministry of Local Government and Labour.
BJORKHAUG, Kirsti, Ms., Senior Executive Officer, Norwegian Maritime Directorate.

Employers' Delegate

MIDELFART, Edith, Mrs., Attorney at Law, Norwegian Shipping and Offshore Federation.

Adviser and substitute delegate

STEEN, Astrid, Mrs., Director, Fred Olsen & Co.

Workers' Delegate

SKREDE, Anne-Beth, Ms., Trade Union Official, Norwegian Seamen's Union.

Advisers and substitute delegates

DEGERUD, Bjorn, Mr., Secretary, Norwegian Union of Marine Engineers
ISAKSEN, Hans Olav, Mr., Chief Negotiator, Norwegian Maritime Officers' Association.

Nouvelle-Zélande New Zealand Nueva Zelandia

Government Delegates

MARTIN, Tony, Mr., Deputy Director of Maritime Safety, Maritime Safety Authority.
WILSON, Elizabeth, Ms., Second Secretary, Permanent Mission, Geneva.

Employers' Delegate

MILLER, Graham, Mr., Executive Director, New Zealand Shipping Federation.

Adviser and substitute delegate

LILLICO, Julian, Mr., Adviser to Council of New Zealand Shipping Federation.

Workers' Delegate

MCLEOD, John, Mr., General Secretary, New Zealand Merchant Service Guild.

Adviser and substitute delegate

WILLIAMS, Michael, Mr., Wellington Secretary, New Zealand Seafarers' Union.

Pakistan

Government Delegates

AKRAM, Munir, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
JANJUA, Tehmina, Mrs., First Secretary, Permanent Mission, Geneva.

Adviser and substitute delegate

QAZI, Syrus, Mr., Third Secretary, Permanent Mission,
Geneva.

Panama

Delegados gubernamentales

KAM B., Leonardo A., Sr., Embajador, Representante
Permanente en Ginebra.
AGUILAR J., Ricardo, Sr., Asesor, Asuntos
Internacionales, Ministerio de Trabajo y Bienestar
Social.

Consejeros técnicos y delegados suplentes

BONAGAS D., Javier, Sr., Representante Permanente
Adjunto, Misión Permanente en Ginebra.
SOLORZANO, Fernando, Sr., Asesor Legal,
Departamento de Consular y Naves, Ministerio de
Hacienda y Tesoro.
GONZALEZ, Miguel, Sr., Consejero Técnico, Delegación
Nacional Tripartita.

Delegado de los empleadores

MANZANARES, Tomás Avila, Sr., Representante,
Asociación Panameña de Derecho Marítimo.

Consejero técnico y delegado suplente

ICAZA EPPERSON, Ricardo E., Sr., Representante,
Consejo Nacional de la Empresa Privada (CONEP).

Delegado de los trabajadores

DEL CID RAMOS, Edilberto, Sr., Secretario General,
Unión Nacional de Marineros.

Consejeros técnicos y delegados suplentes

MERA SIERRA, Julián, Sr., Representante, Sindicato de
Trabajadores de la Marina Mercante.
GALVAN, Lorenzo, Sr., Subsecretario de Finanzas,
Sindicato de Marineros Clasificados de Colón.

Consejero técnico

ANDERSON, Axel, Sr., Tesorero, Asociación Panameña
de Oficiales de Marina.

Paraguay

Delegado gubernamental

UGARRIZA, Rodrigo L., Sr., Segundo Secretario, Misión
Permanente en Ginebra.

Delegado de los empleadores

CABRERA, Antonio, Sr., Federación de la Producción, la
Industria y el Comercio, FEPRINCO.

Pays-Bas Netherlands Países Bajos

Government Delegates

SCHRAMA, Henk, Mr., Director for International Affairs,
Ministry of Social Affairs and Employment.
BLOOT, Fred, Mr., Senior Policy Adviser, Ministry of
Transport, Public Works and Water Management.

Adviser and substitute delegate

VAN WULFFTEN PALTHE, Peter, Mr., Chargé
d'affaires, Permanent Mission, Geneva.

Advisers

DE BRUIJN, Rob, Mr., Senior Policy Adviser, Ministry of
Transport, Public Works and Water Management.
FREDERIKS, Jaap, Mr., First Secretary, Permanent
Mission, Geneva.
HAECK, Hens, Mr., Senior Policy Adviser, Ministry of
Social Affairs and Employment.
LEMMEN, Jan, Mr., Senior Policy Adviser, Ministry of
Social Affairs and Employment.
OOST, Pieter, Mr., Senior Policy Adviser, Ministry of
Transport, Public Works and Water Management.
VAN DE REE, Willem, Mr., Coordinating Policy Adviser,
Ministry of Social Affairs and Employment.
VLAKVELD, Willem, Mr., Policy Adviser, Ministry of
Transport, Public Works and Water Management

Other person attending the Conference

DOORNINK, G.H., Mr., Head of Department, Ministry of
Transport, Public Works and Water Management

Employers' Delegate

VAN MEENEN, Hans, Mr., Secretary General, Royal
Association of Netherlands' Shipowners

Advisers and substitute delegates

VAN KETEL, Henk, Mr., Senior Specialist Engineer,
HeereMac, V.o.F.
ZIER, Maarten, Mr., Labour and Relations, Nedlloyd
Lines

Workers' Delegate

VERHOEF, Arie Leendert, Mr., Vice President,
Confederation of Workers' Organizations for the
Merchant Marine (FWZ).

Advisers and substitute delegates

VAN DE POL, Simon, Mr., Adviser Labour Department,
Netherlands' Trade Union Confederation (FNV).
TOUWEN, Ruud, Mr., Assistant Secretary, FWZ.
VRIESEN, John Emil, Mr., International Secretary, FWZ.

Pérou Peru Perú

Delegados gubernamentales

URRUTIA, José, Sr., Embajador, Representante
Permanente en Ginebra.
TINCOPA, Romy, Sra., Segunda Secretaria, Misión
Permanente en Ginebra.

Philippines Philippines Filipinas

Government Delegates

JOSON, Felicisimo, Mr., Administrator, Philippine
Overseas Employment Administration (POEA).
FAJARDO, Lorna, Ms., Director, POEA.

Advisers and substitute delegates

PALOMO, Renato, Mr., Executive Director, National
Maritime Polytechnic (NMP).
SARMIENTO, Regina Irene, Ms., Labour Attaché,
Permanent Mission, Geneva.
PALMA, Leo, Mr., Labour Attaché, Philippine Embassy,
France.

Employers' Delegate

SALINAS, Carlos, Mr., President, Filipino Shipowners'
Association.

Adviser

BENGZON, Agustin, Mr., President, Philippine Interisland
Shipping Association.

Workers' Delegate

OCA, Gregorio, Mr., President, Associated Marine
Officers' and Seamen's Union of the Philippines
(AMOSUP).

Advisers

OCA, Conrado Antonio, Mr., Vice-President, AMOSUP.
LAMUG, Jose Raul, Mr., Assistant to the President,
AMOSUP.

Pologne Poland Polonia

Government Delegates

DEMBINSKI, Ludwik, Mr., Ambassador, Permanent
Representative, Permanent Mission, Geneva.
HENCZEL, Remigiusz Achilles, Mr., Director,
International Cooperation Department, Ministry of
Labour and Social Policy.

Adviser and substitute delegate

NIERADA, Zygmunt, Mr., Director, International
Cooperation Bureau, National Labour Office.

Advisers

DABROWSKI, Bernard, Mr., National Labour Inspection.
LEMIESZEWSKA, Renata, Mrs., Senior Expert,
International Cooperation Department, Ministry of
Labour and Social Policy.
MISZCZUK, Jerzy, Mr., Deputy Director, Department of
Maritime and Inland Waters Administration, Ministry
of Transport and Maritime Economy.
NOWICKI, Czeslaw, Mr., Deputy Director, International
Cooperation Department, Ministry of Labour and
Social Policy.
TYSZKO, Jacek, Mr., First Secretary, Permanent Mission,
Geneva.

Employers' Delegate

NIEMIEC, Ryszard, Mr., Secretary General, Polish
Shipowners' Association.

Adviser and substitute delegate

NIEWEGLOWSKI, Zdzislaw, Mr., Expert, Polish
Steamship Company.

Advisers

MYSZOR, Andrzej, Mr., Polish Ocean Lines.
PERZYNSKI, Jerzy, Mr., Polish Steamship Company.

Workers' Delegate

CEGIELSKI, Jacek, Mr., National Maritime Section,
NSZZ "Solidarnosc".

Adviser and substitute delegate

DUBINSKI, Jacek, Mr., Vice-Chairman, Seafarers' Trade
Union, Polish Steamship Company.

Advisers

MACIEJEWICZ, Janusz, Mr., National Maritime Section,
NSZZ "Solidarnosc".
ROSTKOWSKI, Krzysztof, Mr., Federation of Trade
Unions of Seamen and Deep Fishermen.
WOJCIK, Andrzej, Mr., Polish Seafarers' Union (Officers
and Ratings).

Portugal

Délégués gouvernementaux

EUSÉBIO FILIPE, Francisco, M., Directeur, Services du
Personnel de la Mer.
TOMÉ DE ALMEIDA, Luis, M., Conseiller, Affaires du
Travail et de l'Emploi, Mission permanente à Genève.

Conseillers techniques

PINTO BELO, José António, M., Directeur, Services du
Travail et de l'Emploi, Territoire de Macao.
DA SILVA CASCAIS, Joaquim, M., Assesseur principal,
Direction générale des Pêches.
MANUEL GONÇALVES, Sérgio, M., Inspecteur du
Travail.
PACETTI, Teresa, Mme, Assesseur, Direction générale
des Conditions de Travail.

Délégué des employeurs

PAULO FARINHA, José, M., Directeur, Ressources
humaines de la S&C.

Conseiller technique

NUNES, João, M., Directeur, Ressources humaines de la
Portline.

Délégué des travailleurs

CHAGAS, Eduardo, M., Membre de la Commission
exécutive de la CGTP-IN et du Bureau de la Fédération
des Syndicats de la Mer.

Conseillers techniques

RODRIGUES, Jerónimo, M., Membre de la Commission
exécutive de la CGTP-IN.
ALEXANDRE DELGADO, António, M., Secrétaire
national de l'UGT, Secrétaire exécutif de la FESMAR
et Secrétaire générale du SITEMAQ.
DE ALMEIDA, Luis, M., Membre de la Direction du
Syndicat des Officiers pilotes, Commissaires et
Radiotechniciens de la Marine marchande et du Bureau
de la Fédération des Syndicats de la Mer.
RODRIGUES BANDEIRA, Carlos Alberto, M., Secrétaire
général du SINDIPESCAS et Membre du Bureau
nationale de l'UGT.

Roumanie Romania Rumania

Ministre assistant à la Conférence

SARBU, Marian, M., Secrétaire d'Etat, Ministère du
Travail et de la Protection sociale.

Personne accompagnant le Ministre

GRECU, Pavel, M., Ministre-conseiller, Chargé d'Affaires
a.i., Mission permanente à Genève.

Délégués gouvernementaux

CIRICA, Razvan, M., Directeur, Direction des Relations
internationales, Ministère du Travail et de la Protection
sociale.
ISTRATE, Cristian, M., Conseiller, Mission permanente à
Genève.

Conseillers techniques et délégués suppléants

MANEA, Lucian, M., Conseiller du Ministre du Travail et
de la Protection sociale.
BADICA, Gheorghe, M., Directeur général, Direction de
la législation du travail, Ministère du Travail et de la
Protection sociale.
ANDREESCU, Daniela Nicoleta, Mme, Directeur,
Direction de la législation du Travail, Ministère du
Travail et de la Protection sociale.
MIHES, Cristina, Mme, Expert, Direction des Relations
internationales, Ministère du Travail et de la Protection
sociale.
FIRAN, Mircea, M., Secrétaire II, Direction des Droits de
l'homme, Ministère des Affaires étrangères.
GREBLA, Toni, M., Premier secrétaire, Mission
permanente à Genève.

Conseiller technique

IUSEIN, Sefchi-Sile, M., Expert, Ministère des Transports.

Délégué des employeurs

OPRIS, Silviu, M., Président exécutif, Confédération nationale du Patronat de l'industrie.

Conseillers techniques et délégués suppléants

SIMION, Valeriu, M., Directeur général exécutif, Confédération nationale du Patronat roumain.

GEORGESCU, Gheorghe, M., Président, Association des armateurs.

Conseillers techniques

FLOREA, Cornel, M., Président, Chambre de commerce et d'industrie Constanta.

BORCILA, Ion, M., Directeur exécutif, Association des armateurs.

BURLACU, Ion, M., Expert, Chambre de commerce et d'industrie Constanta.

PANAIT, Viorel, M., Directeur général, CONVEX.

Délégué des travailleurs

PETRE, Costel, M., Président, Fédération nationale des Syndicats portuaires.

Conseillers techniques et délégués suppléants

POPESCU, Corneliu, M., Secrétaire général du Bloc national syndical.

ILIESCU, Adrian, M., Confédération Nationale Syndicale 'Cartel Alfa'.

BOAJA, Minica, M., Confédération nationale des Syndicats libres-Fratia.

Conseillers techniques

ATANASIU, Cornel, M., Vice-président, Syndicat libre des Navigateurs de la Flotte maritime marchande.

STICI, Costica, M., Vice-président, Syndicat libre des Navigateurs de la Flotte maritime marchande.

CARAIANI, Gheorghe, M., Secrétaire général, Fédération nationale des syndicats portuaires.

FRUNZA, Stefan, M., Fédération des gens de mer "Europa".

Royaume-Uni United Kingdom Reino Unido

Government Delegates

HAMILTON, Claude, Mr., Deputy Chief Examiner, Marine Safety Agency, Department of Transport.

PARKINSON, John, Mr., Principal, Shipping Policy Directorate, Department of Transport.

Adviser and substitute delegate

SCULLY, Nigel, Mr., Adviser, Department of Transport.

Advisers

RAMSDEN, John, Mr., Deputy Permanent Representative, Permanent Mission, Geneva.

SIMMONS, Tim, Mr., First Secretary, Permanent Mission, Geneva.

FRARY, Helen, Ms., Third Secretary, Permanent Mission, Geneva.

PROCTOR, Matt, Mr.

IR CHICK, King Fai, Mr., Principal Surveyor of Ships, Hong-Kong Government, Marine Department.

TSE, John Yan-Chi, Mr., Hong-Kong Government.

CHUN, Patrick Ping-Fai, Mr., Hong-Kong Government.

Employers' Delegate

LUSTED, John, Mr.

Advisers

BURKE, David, Mr.

MARCHANT, Michael, Mr.

SPRINGETT, Tim, Mr.

PETTEY, Simon, Mr.

KOO, Kenneth Chee-Kong, Mr.

Workers' Delegate

ORRELL, Brian, Mr.

Advisers

MCEWEN, Peter, Mr.

GIRVAN, Matt, Mr.

MCVICAR, Norrie, Mr.

HICKS, Grahame, Mr.

TING, Kam Yuen, Mr.

Fédération de Russie Russian Federation Federación de Rusia

Government Delegates

MIKHAILOV, I., Mr., First Deputy Director, Federal Maritime Administration of Russia (Rosmorflot).

ORLOV, A., Mr., Deputy Permanent Representative of the Russian Federation, Geneva.

Advisers and substitute delegates

DEGTIAREV, V., Mr., Head, Personal and Education Management Department, Rosmorflot.
FROLOV, A., Mr., Head, Division of International Organizations, Rosmorflot.

Advisers

BOTCHAROV, I., Mr., Deputy Director, Federal River Transport Administration of Russia (Rosrechflot).
PROSVIRNIN, O., Mr., Head, Social Policy and Labour Safety Division, Rosmorflot.
SMIRNOVA, I., Mrs., Leading Specialist, Foreign Relations Department, Rosmorflot.
NOVIKOV, T., Mr., Head, Division of Soyuzmorniproekt.
KORNILOV, V., Mr., President, AES "Sovkomflot".
PASHKINA, E., Mrs., Deputy Director, Department of Economy and Planning, Russian Committee on Fishing (Roscomribolovstvo).
BAIKOV, V., Mr., Senior Counsellor, Department of Economic Cooperation, Ministry of Foreign Affairs.
KHLESTOV, N., Mr., Senior Counsellor, Permanent Mission, Geneva.
CHTCHERBAKOV, I., Mr., Counsellor, Permanent Mission, Geneva.
LYJENKOV, A., Mr., Second Secretary, Permanent Mission, Geneva.

Employers' Delegate

MATSKIAVITCHUS, K., Mr., Director, Union of Russian Shipowners.

Advisers

TCHERNIAKOVSKII, A., Mr., Head, Division of Labour and Salaries, Murmansk Shipping Co.
ZAMARIANOV, V., Mr., Director, Union of Russian Shipowners.
OMELIN, I., Mr., Head, Division of Labour and Salaries, Northern Shipping Co.
KOLINITCHENKO, I., Mr., Vice-President, Far Eastern Shipping Co.
METELEV, B., Mr., Head, Staff Management Division, Novorossiisk Shipping Co.

Workers' Delegate

STARICHENKO, G., Mr., President, Central Committee, Trade Union of Water Transport Workers of the Russian Federation.

Adviser and substitute delegate

SIROTIOUK, V., Mr., President, Council, Trade Union of Maritime Transport Workers of the Russian Federation.

Advisers

ZYRIANOV, V., Mr., President, Central Committee, Trade Union of Workers of Fishing Industry of the Russian Federation.
KEPP, V., Mr., Secretary, Central Committee, Trade Union of Water Transport Workers of the Russian Federation.
EREMENKO, N., Mr., President, "New Russia" Marine Workers' Union.
DAVIDENKO, M., Mr., President, Trade Union Committee of Seafarers of Belomorsko-Onega Shipping Co.
TIRON, Anatoli N., Mr., Chairman, Azor-Black Sea Basin Trade Union Committee.
POPOV, Nikolai Yakovlevitch, Mr., Chairman, Seagoing Personnel, AO, Novoship Seafarers' Trade Union Committee.
PESTEROV, Viktor, Mr., Chairman, North Basin Committee, Trade Unions of Workers of Water Transport.

Person appointed in accordance with Article 2, paragraph 3(i)

POULINE, B., Mr., President, Volga Region Trade Union Committee of Water Transport Workers.

Senegal

Délégué des travailleurs

FALL NIANG, Doudou, M., Secrétaire général, Syndicat de la marine de pêche.

Conseiller technique et délégué suppléant

DIOUF, Fadel, M., Président, Syndicat des pêcheurs artisanaux.

Singapour Singapore Singapur

Government Delegate

SAY, Eng Sin, Mr., Senior Assistant Director, Registry of Ships & Mercantile Marine Office, Maritime and Port Authority of Singapore.

Employers' Delegate

LIM KHIM SENG, James, Mr., Chartering Representative, Neptune Orient Line.

Workers' Delegate

TAY JWEE HWA, Thomas, Mr., General Secretary,
Singapore Maritime Officers' Union.

Adviser

KAM, Soon Huat, Mr., Executive Secretary, Singapore
Organization of Seamen.

Slovaquie Slovakia Eslovaquia

Government Delegates

MITKA, Emil, Mr., Director, Water Transport Division,
Ministry of Transport, Posts and Telecommunication.
KRASNOHORSKA, Maria, Mrs., Ambassador, Permanent
Representative, Geneva.

Advisers and substitute delegates

LUKAC, Pavol, Mr., Director, Department of the Sea
Shipping, Ministry of Transport, Posts and
Telecommunications.
SYKORA, Juraj, Mr., Third Secretary, Permanent Mission,
Geneva.

Adviser

LIZAK, Ladislav, Mr., Department of International
Relations, Ministry of Labour, Social Affairs and
Family.

Employers' Delegate

HOLCIK, Fedor, Mr., Slovak Danube Shipping Company.

Workers' Delegate

LEHOTA, Ivan, Mr., Chairman, Transport Trade Union.

Slovénie Slovenia Eslovenia

Government Delegates

LOGAR, Andrej, Mr., Deputy Permanent Representative,
Permanent Mission, Geneva.
VALCIC, Anton, Mr., Port State Control Officer,
Slovenian Maritime Directorate.

Advisers and substitute delegates

KOMEL, Vladka, Ms., Adviser to the Minister, Ministry
of Labour, Family and Social Affairs.

ANTONCIC, David, Mr., Senior Consultant, Slovenian
Labour Inspectorate.

Employers' Delegate

JURJEC, Alojz, Mr., Consultant, Association of
Employers.

Workers' Delegate

KRZNARIC, Branko, Mr., President, Seamen's Union.

Soudan Sudan Sudán

Government Delegates

YAHIA ALI ADAM, Mr., Deputy Manager, Sudan
Shipping Line.
MOHAMED ELBASHI MOHAMED KHEIR, Mr.,
Director, Employment and Labour Relation
Directorate, Ministry of Manpower.

Employers' Delegate

ALI SIDDIG ALI, Mr., Member, Sudan Businessmen and
Employers' Federation.

Workers' Delegate

ELGINEED AHMED MOHAMED SALIH, Mr., Member,
Sudan Workers Trade Union Federation.

Suède Sweden Suecia

Government Delegates

GOTARE, Rolf, Mr., Head of Division, Swedish National
Maritime Administration.
KUYLENSTIERNA, Carl-Erik, Mr., Senior
Administrative Officer, Swedish National Maritime
Administration.

Adviser and substitute delegate

WALLSTRÖM, Birgitta, Ms., Political Adviser, Ministry
of Transport and Communications.

Advisers

BODEN, Staffan, Mr., Head of Division, Swedish National
Maritime Administration.
JULIUS, Sven, Mr., Head of Section, Public Employment
Office for Seamen.
WIKSTRÖM, Stig, Mr., Senior Administrative Officer,
Ministry of Labour.

Employers' Delegate

GEZELIUS, Hakan, Mr., Managing Director, Swedish Shipowners' Association.

Adviser and substitute delegate

FRANSSON, Billy, Mr., Director, Swedish Shipowners' Association.

Advisers

ENGSTRÖM, Lena, Ms., Swedish Shipowners' Association.

IFWARSSON, Jan, Mr., Swedish Shipowners' Association.

Workers' Delegate

ABRAHAMSSON, Tomas, Mr., Chairman, Union for Service and Communication (SEKO), Seafarers' Branch.

Advisers

HANSSON, Göran, Mr., Secretary, SEKO, Seafarers' Branch.

LINDWALL, Christer, Mr., Director, Swedish Ship Officers' Association.

THEMNER, Christer, Mr., Managing Director, Swedish Engineer Officers' Association.

WILLEMO, Susanne, Ms., Member of the Board, SEKO, Seafarers' Branch.

Suisse Switzerland Suiza

Délégués gouvernementaux

HULLIGER, Jean, M., Directeur de l'Office suisse de la Navigation maritime, Département fédéral des Affaires étrangères (DFAE).

ELMIGER, Jean-Jacques, M., Chef du Service des affaires internationales, Office fédéral de l'Industrie, des Arts et Métiers et du Travail (OFIAMT).

Conseiller technique et délégué suppléant

HAENGGI, Urs, M., Directeur suppléant de l'Office suisse de la Navigation maritime, DFAE.

Conseillers techniques

DUCREST, Jacques, M., Juriste, Office suisse de la Navigation maritime, DFAE.

BURGENER, Christophe, M., Collaborateur diplomatique, Direction du droit international public, DFAE.

Délégué des employeurs

NÜESCH, Eduardo, M., Massoel S.A., c/o Acomarit Services maritimes S.A., Genève.

Délégué des travailleurs

BAUMGARTNER, Hans, M., Secrétaire du Syndicat des Travailleurs du Commerce, des Transports et de l'Alimentation, Bâle.

République arabe syrienne Syrian Arab Republic República Arabe Siria

Ministre assistant à la Conférence

KHALIL, Ali, M., Ministre des Affaires sociales et du Travail.

Délégués gouvernementaux

BITAR, Elias, M., Directeur des Etudes juridiques, Ministère des Affaires sociales et du Travail

AL-MOULKI, Mohamad Salah Eddin, M., Conseiller juridique, Bureau du Vice-premier ministre pour les services.

Conseiller technique et délégué suppléant

KHAMIS, Ahmad Mohammad Rida, M., Conseiller juridique, Ministère des Affaires sociales et du Travail.

Délégué des employeurs

RAZZOUK, Ali Aziz, M., Directeur général des Ports.

Conseiller technique

JUNDI, Hussein Khaled, M., Représentant des propriétaires des navires syriens.

Délégué des travailleurs

ISSA, Moustafa, M., Secrétaire des affaires arabes et internationales à la Fédération générale des Syndicats des Travailleurs.

Thaïlande Thailand Tailandia

Government Delegates

NELAYOTHIN, Amphorn, Mr., Deputy Director-General, Department of Labour Protection and Welfare, Ministry of Labour and Social Welfare.

WONGWIJARN R.T.N., Panya, Mr., Chief, Harbour Master Sector, Waterways Transport Inspection Division, Harbour Department, Ministry of Transport and Communications.

Advisers and substitute delegates

NAKCHUEN, Kamjorn, Mr., Director, International Labour Affairs Division, Department of Labour Protection and Welfare, Ministry of Labour and Social Welfare.

VACHARATHIT, Viraphand, Mr., Minister Counsellor, Permanent Mission, Geneva.

Employers' Delegate

BHAKDIBADHANABANIJ, Prasert, Mr., Secretary-General, Employers' Confederation of Thailand.

Workers' Delegate

CHAROENPHAO, Panit, Mr., President, Thai Trade Union Congress.

Tunisie Tunisia Túnez

Délégués gouvernementaux

RACHDI, Mokhtar, M., Directeur général de la marine marchande, Ministère du Transport.

KCHAOU, Mohamed, M., Directeur général du Travail, Ministère des Affaires sociales.

Conseillers techniques et délégués suppléants

BAATI, Moncef, M., Représentant permanent adjoint, Mission permanente à Genève.

KHADDAR, Sahbi, M., Directeur des gens de mer, Ministère du Transport.

Conseillers techniques

BACCAR, Kadhém, M., Conseiller, Mission permanente à Genève.

YAHMADI, Ali, M., Chef de Service, Inspection du Travail maritime, Ministère du Transport.

Délégué des employeurs

SILLINI, Sami, M., Conseiller, Fédération nationale du Transport - Chargé des Affaires maritimes; Secrétaire permanent, Chambre Syndicale des Armateurs; Union tunisienne de l'Industrie, du Commerce et de l'Artisanat.

Délégué des travailleurs

FADHLI, Ibrahim, M., Membre, Syndicat général national du Transport, Union générale tunisienne du Travail.

Turquie Turkey Turquía

Government Delegates

DURUSOY, Aydin, Mr., Minister-Counsellor, Deputy-Permanent Representative, Permanent Mission, Geneva.

SEREF, Midhat, Mr., Counsellor, Labour and Social Affairs, Permanent Mission, Geneva.

Adviser and substitute delegate

OLGAC, Sühan, Mr., Expert, Ministry of Labour and Social Security - Research, Planning and Coordination Board.

Advisers

DINC, Mustafa, Mr., Expert, Ministry of Labour and Social Security - Research, Planning and Coordination Board.

BATUR, Erhan, Mr., Chief Labour Inspector, Ministry of Labour and Social Security - Labour Inspection Board.

KAVLAK, Naim, Mr., Official, Ministry of Labour and Social Security - General Directorate for Workers' Services Abroad.

VURAL, Volkan, Mr., First Secretary, Permanent Mission, Geneva.

Employers' Delegate

UNSALEK, Hakan, Mr., Secretary General, Turkish Shipowners' Association.

Adviser and substitute delegate

ILTER, Ferhat, Mr., Research Expert, Turkish Confederation of Employer Associations.

Workers' Delegate

UZUN, Turan H., Mr., President General, Maritime Trade Union.

Adviser and substitute delegate

YAZICI, Engin, Mr., Expert-Adviser, Maritime Trade Union.

Ukraine Ukraine Ucraina

Délégués gouvernementaux

SUSHKIN, Leonid, M., Deputy Head, State Department of Maritime and River Transport.

MAIMESKUL, Mykola, M., Permanent Representative, Permanent Mission, Geneva.

Conseillers techniques et délégués suppléants

YAMPOLSKY, Sergiy, M., First Secretary, Permanent Mission, Geneva.

KHOLOSTENKO, Ivan, M., Third Secretary, Ministry of Foreign Affairs.

Délégué des employeurs

SHUBOCHKIN, Oleksandr, M., Head, Staff Policy Department, State Shipping Company "Black Sea Shipping Company"

Délégué des travailleurs

ZUBKOV, Vasyl, M., Executive Board Chairman, Marine Transport Workers' Trade Union.

Uruguay

Delegados gubernamentales

ARIZTI, Mario, Sr., Adjunto, Dirección General, Ministerio de Trabajo y Seguridad Social.

LASA, Washington, Sr., Director, Sector Convenios Internacionales de la Armada.

Consejeros técnicos y delegados suplentes

AGIUS, Jorge, Sr., Capitán de Fragata.

SGARBI, Carlos, Sr., Ministro Consejero, Misión Permanente en Ginebra.

Delegado de los empleadores

CICCOLO, Juan Carlos, Sr., Cámara de la Marina Mercante Nacional.

Delegado de los trabajadores

LARROSA, Juan, Sr., PIT-CNT.

Viet Nam

Délégués gouvernementaux

LE LUONG MINH, M., Ambassadeur, Mission permanente à Genève.

BUI QUANG MINH, M., Premier secrétaire, Mission permanente à Genève.

Conseiller technique et délégué suppléant

HOANG THI HOA BINH, Mme, Deuxième secrétaire, Mission permanente à Genève.

Yemen

Government Delegate

AL-AGHBARI, Adel, Mr., Third Secretary.

Employers' Delegate

AL RUBAIDI, Abdullah. H., Mr., General Manager, Chamber of Commerce and Industry.

Zaire

Ministre assistant à la Conférence

DJUNGA, Raymond Omba Pene, M., Ministre du Travail et de la Prévoyance sociale.

Délégués gouvernementaux

LULE, Luwenyema, M., Directeur, Cabinet du Ministre du Travail et de la Prévoyance sociale.

MINGA, Kwete, M., Directeur administratif, Compagnie maritime zaïroise.

Délégué des employeurs

LUBOYA DIYOKA, Edouard, M., Administrateur-Délégué, ANEZA.

Conseillers techniques et délégués suppléants

POMA APOPOTSA, Isidore, M., Directeur, Ressources humaines, BRALIMA-CIB.

LENGO, M., Directeur administratif, Régie des voies maritimes.

Conseillers techniques

IDOBE, Bulanture, M., Directeur, AMIZA, Matadi.
MUYUMBA, Buzangu, M., Sous-Directeur, Questions
juridiques, ONATRA.
TSHISOL, M., Directeur, Régie des voies maritimes.

Délégué des travailleurs

KIBISWA KWABENE, Naupess Démétrion, M.,
Secrétaire général adjoint, CDT.

Conseillers techniques et délégués suppléants

TOKO, Nzeza, M., Pilote Maritime, Vice-Président,
Délégation syndicale, Régie des Voies maritimes.
INGONDE, Gédéon Paul, M., Président, Syndicat des
Hydrographes, Navigants fluviaux et lacustres
(SHYNFLA).

Conseillers techniques

KAIJI MATANDA, Jean-Marie, M., Syndicat national des
travailleurs de la Regideso (SYNATREG)
NGANDU NZITA TOKO, M., Syndicat des travailleurs de
la société textile de Kisangani (SYTRAXKI)
MASIANDOKI, Irène, Mme, SYNATREG
TSHIKULA, Ngomba, Mme, Département des femmes
travailleuses, COOSEPP/SNABAZ.

Personnes désignées en conformité avec l'article 2, alinéa 3 i)

KASELE, Awazi, M., Secrétaire général,
SNABAZ/COOSEPP.
MINDANA, Sona, Mme, Secrétaire régional,
SYNATREG.

Zambia Zambia Zambia

Government Delegates

SIMFUKWE, Jolly Mbita, Mr., Director, Maritime and
Inland Waterways Department, Ministry of
Communication and Transport.
FUNDAFUNDA, I.B., Ms., Counsellor, Permanent
Mission, Geneva.

OBSERVATEURS

OBSERVERS

OBSERVADORES

**République pop. démo. de
Corée
Democratic people's rep. of
Korea
República Popular demo. de
Corea**

Représentants

HAN, Chang On, M., Ministre, Mission
permanente à Genève.
JO, Jung Ju, M., Conseiller, Mission permanente
à Genève.
RI, In Sil, Mme, Attaché, Mission permanente à
Genève.

**Saint-Siège The Holy See
Santa Sede**

Représentant

MAHER, Raymond F., M., Conseil pontifical
pour la Pastoral des Migrants et des
Personnes en déplacement.

**REPRÉSENTANTS DES NATIONS UNIES, DES
INSTITUTIONS SPÉCIALISÉES ET D'AUTRES
ORGANISATIONS INTERNATIONALES
OFFICIELLES**

**REPRESENTATIVES OF THE UNITED
NATIONS, SPECIALIZED AGENCIES AND
OTHER OFFICIAL INTERNATIONAL
ORGANIZATIONS**

**REPRESENTANTES DE LAS NACIONES
UNIDAS, DE LOS ORGANISMOS
ESPECIALIZADOS Y DE OTRAS
ORGANIZACIONES OFICIALES**

**Organisation mondiale de la santé
World Health Organization
Organización Mundial de la Salud**

MIKHEEV, M., Mr., Chief, Office of
Occupational Health, Division of Health
Promotion, Education and Communication.

**Organisation maritime internationale
International Maritime Organization
Organización Marítima Internacional**

SINGHOTA, G, Mr., Senior Technical Officer,
Navigation Section, Maritime Safety
Division.

**Organisation des Nations Unies pour
le développement industriel
United Nations Industrial
Development Organization
Organización de las Naciones Unidas
para el Desarrollo Industrial**

TOURÉ, Mohamed, Mr., Director.

**Organisation arabe du travail
Arab Labour Organization
Organización Árabe del Trabajo**

EL TELAWI, Adnan, Mr.

**Organisation de la Conférence
islamique
Organization of the Islamic
Conference
Organización de la Conferencia
Islámica**

TARZI, N.S., Mr., Ambassador. Organization of
the Islamic Conference to the United Nations
Office, Geneva.

ADDADI, F., Mr., Counsellor.

**Union européenne
European Union
Unión Europea**

DEVONIC, Fay, Mme, Chef d'unité, Direction
générale V (Emploi, Relations industrielles
et Affaires sociales), Commission.

ARAGON-MORALES, Fernando, M., Chef
d'unité, Direction, Direction générale VII
(Transports), Commission.

SALVARINI, Roberto, M., Chef d'unité,
Direction générale VII (Transports),
Commission.

MACKLEY, James, M., Administrateur
principal, Direction générale V (Emploi,
Relations industrielles et Affaires sociales),
Commission.

TEREZAKIS, Ioannis, M., Administrateur
principal, Direction générale VII
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**Fédération internationale
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Palestine

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